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As amended in committee
5/26/93

CC

FILE NO. 101-92-85

ORDINANCE NO. 201-93

(Government Funding)

RO# 92261 SA# 97

kg
5/26/93

**APPROPRIATING $~~17,500~~ $25,000 FOR PROGRAM PROJECT PROJECT (SEXUAL HARRASSMENT), COMMISSION ON THE STATUS OF WOMEN FOR FISCAL YEAR 1992 - 93;** placing $25,000 on reserve.

Be it ordained by the people of the City and County of San Francisco:

**Section 1.** FUNDS ARE HEREBY APPROPRIATED FOR FY 1992-93 AS FOLLOWS:

| Department and Number | Source of Funds and Purpose of Appropriation | Amount Debit | Amount Credit |
|---|---|---|---|
| **01 - 001** | **General Fund** | | |
| 99 - 00 - 00 | General Fund Unallocated | | |
| GL 496 (000026) | Unappropriated Revenue Reserved | | |
| Subsidiary 000006 | General Reserve | $25,000 | |
| 48 - 00 - 00 | Commission on the Status of Women | | |
| Project | Sexual Harrassment | | |
| 20-2010 ( ) | Program Project Budget | | $25,000 |

kg
5/26/93

Sec. 2. Funds in the amount of $25,000 are hereby placed on reserve pending the Commission's selection of a consultant and submission of hours, hourly rates and the MBE/WBE status of the consultant, to be released by the Budget Committee.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

_____
CONTROLLER

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| June 1, 1993 | June 7, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Maher Migden Shelley | Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisors Conroy Kennedy Achtenberg | Absent: Supervisor Bierman |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
101-92-85

JUN 16 1993
Date Approved

_____
Mayor

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As amended in committee
5/26/93

FILE NO. 101-92-79

ORDINANCE NO. 202-93

(Government Funding)

RO# 92251 SA# 111

kg 5/26/93

**APPROPRIATING ~~$576,854~~ $562,500 FOR PERMANENT SALARIES AND RELATED MANDATORY FRINGE BENEFITS AND SERVICES OF OTHER DEPARTMENTS - LIGHT, HEAT AND POWER AND RESCINDING $ 562,500 FROM PERMANENT SALARIES AND RELATED MANDATORY FRINGE BENEFITS, FOR THE CREATION OF THREE (3) POSITIONS AND DELETION OF THREE (3) POSITIONS, WATER DEPARTMENT FOR FISCAL YEAR 1992 - 93.**

Be it ordained by the people of the City and County of San Francisco:

**Section 1.** FUNDS ARE HEREBY APPROPRIATED FOR FY 1992-93 AS FOLLOWS:

| Department and Number | Source of Funds and Purpose of Appropriation | Amount Debit | Amount Credit |
|---|---|---|---|
| **32 - 001** | **Water Operating Fund** | | |
| **47 - 00 - 00** | **Water Department** | | |
| 01-0010 (387019) | Permanent Salaries | $529,684 ~~$541,168~~ | ~~$11,484~~ |
| 04-0600 | Mandatory Fringe Benefits | 32,816 ~~35,686~~ | ~~2,870~~ |
| 30-3300 | Services of Other Departments - Light, Heat and Power | | 562,500 |
| | **Total** | $562,500 ~~$576,854~~ | $562,500 ~~$576,854~~ |

kg 5/26/93

kg 5/26/93

Section 2. Funds are hereby appropriated for three (3) positions created and three (3) positions deleted by amendment to the Annual Salary Ordinance (Board of Supervisors File No. 102-92-17), as follows:

| Fund | Water Operating Fund | | |
|---|---|---|---|
| Department | Water | | |
| Classification | Rate | Created | Deleted |
| 7334N Stationary Engineer | $1436B1740 | 3 | |
| 7463N Utility Plumber Apprentice | 1160B1160 | | 2 |
| 7410A Automotive Service Worker | 1088B1316 | | 1 |
| | **Total** | **3** | **3** |

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

_____
CONTROLLER

CIVIL SERVICE COMMISSION

BY _____
GENERAL MANAGER, PERSONNEL

BOARD OF SUPERVISORS

BOARD OF SUPERVISORS

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Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| June 1, 1993 | June 7, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Maher Migden Shelley | Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisors Conroy Kennedy Achtenberg | Absent: Supervisor Bierman |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-92-79

JUN 1 0 1993
Date Approved

Frank M. Jordan
Mayor

CC

FILE NO. 102-92-17 ORDINANCE NO. 203-93

PUBLIC EMPLOYMENT SAL.ORD.AMEND.NO. 15

AMENDING ORDINANCE NO. 250-92 (ANNUAL SALARY ORDINANCE, 1992-93) REFLECTING THE ADDITION OF THREE POSITIONS AND THE DELETION OF THREE POSITIONS IN THE SAN FRANCISCO WATER DEPARTMENT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The hereinafter designated section and items of Ordinance No. 250-92 (Annual Salary Ordinance, 1992-93) are hereby amended so that the same shall read as follows:

| (Amend-ment) | No. Pos. | Class & Item No. | Class Title | Compensation Schedule |
|---|---|---|---|---|
| | | Department: | 47 Water Department | |
| | | Division: | 00 Water Department | |
| | | Section: | 00 Water Department | |
| | | Program: | 0000 No Program Defined | |
| | | Fund: | 32001 Water Dept. Operating Fund | |
| | | Index: | 387019 Water-Dist & Quality | |
| | | Proj/Phase: | 000/00 Unassigned Title | |
| | | Object: | 001 Permanent Salaries-Misc. | |
| 3 added | 3 | 7334 N | Stationary Engineer..... | SC $1436B1740 |
| 2 abolished | 0 | 7463 N | Utility Plumber Apprentice..... | 1160B2203 |
| 1 abolished | 5 | 7410 A | Automotive Service Worker..... | 1088B1316 |

APPROVED AS TO CLASSIFICATION:
CIVIL SERVICE COMMISSION

Wendell Brazer
GENERAL MANAGER, PERSONNEL

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By: Theodore R. Lakey
DEPUTY CITY ATTORNEY

No. 15

#6543C
Civil Service Commission
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading

June 1, 1993

Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Maher Migden Shelley

Absent: Supervisors Conroy Kennedy Achtenberg

Finally Passed

June 7, 1993

Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley

Absent: Supervisor Bierman

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

JUN 10 1993

Date Approved

Frank M. Jordan
Mayor

File No.
102-92-17

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FILE NO. 101-92-82

(Government Funding)

Budget

ORDINANCE NO. 204-93

RO# 92255 SA# 116

**APPROPRIATING $ 197,000 FOR VARIOUS PURPOSES, CHIEF ADMINISTRATIVE OFFICER, FOR FISCAL YEAR 1992 - 93.**

Be it ordained by the people of the City and County of San Francisco:

**Section 1.** FUNDS ARE HEREBY APPROPRIATED FOR FY 1992-93 AS FOLLOWS:

| Department and Number | Source of Funds and Purpose of Appropriation | Amount Debit | Amount Credit |
|---|---|---|---|
| **02 - 182** | **Downtown Park Fund** | | |
| **29 - 02 - 00** | **City Planning** | | |
| 70-7081 (007757) | City Planning Commission Fees | $197,000 | |
| 49-4900 ( ) | Revenue Transfer Out to # 09 - 099, Work Order Fund | | $197,000 |
| | **Total - Downtown Park Fund** | **$197,000** | **$197,000** |
| **09 - 099** | **Work Order Fund** | | |
| **70 - 06 - 00** | **Chief Administrative Officer** | | |
| 99-9990 ( ) | Revenue Transfer In From # 02 - 182, Downtown Park Fund | $197,000 | |
| 01-0010 (420430) | Permanent Salaries | | $42,000 |
| 10-1001 | Professional Services | | 14,300 |
| 30-3310 | Services of Other Departments - City Planning | | 93,200 |
| 30-3200 | Services of Other Departments - Public Works - Engineering | | 17,000 |
| 30-3890 | Services of Other Departments - Miscellaneous Departments | | 30,500 |
| | **Total - Work Order Fund** | **$197,000** | **$197,000** |

BOARD OF SUPERVISORS

RO# 92255 SA# 116

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: [signature]
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

[signature]
for CONTROLLER

BOARD OF SUPERVISORS

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Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | § | Finally Passed |
| June 1, 1993 | § | June 7, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Achtenberg Migden Shelley | § | Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisors Kennedy Maher | § | Absent: Supervisor Bierman |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-92-82

JUN 16 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 101-92-84

Budget
ORDINANCE NO. 205-93

(Government Funding)

RO# 92260 SA# 110

**APPROPRIATING AND CERTIFYING $21,901 FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS TO COVER 10% OVERAGE AS PER CHARTER SECTION 7.203, PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN, DEPARTMENT OF PUBLIC WORKS FOR FISCAL YEAR 1992 - 93.**

Be it ordained by the people of the City and County of San Francisco:

**Section 1.** FUNDS ARE HEREBY APPROPRIATED FOR FY 1992-93 AS FOLLOWS:

| Department and Number | Source of Funds and Purpose of Appropriation | Amount Debit | Amount Credit |
|---|---|---|---|
| **06 - 503** | **Street Improvement Project** | | |
| **90 - 06 - 00** | **Public Works** | | |
| Project 106 - 40 | 3rd Street Traffic Signal Modification | | |
| 20-2030 (600437) | Capital Improvement Project | $2,101 | $2,101 |
| Project 107 - 40 | Potrero Signal Step 3 | | |
| 20-2030 (600437) | Capital Improvement Project | 4,200 | 4,200 |
| | **Total - Street Improvement Project** | **$6,301** | **$6,301** |
| **06 - 514** | **Parking Authority Project** | | |
| **90 - 06 - 00** | **Public Works** | | |
| Project 076 - 40 | Army Street Signal Modidfication | | |
| 20-2030 (600544) | Capital Improvement Project | $15,600 | $15,600 |
| | **Grand Total** | **$21,901** | **$21,901.** |

BOARD OF SUPERVISORS

Section 2. Although the City has incurred no legal obligation under the Charter, the Board of Supervisors does hereby appropriate the funds necessary for the obligation and does hereby ratify the action previously taken.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: [signature]
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

[signature]
CONTROLLER

BOARD OF SUPERVISORS

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Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | § | Finally Passed |
| | § | |
| June 1, 1993 | § | June 7, 1993 |
| | § | |
| | § | |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Maher Migden Shelley | § | Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| | § | |
| Absent: Supervisors Conroy Kennedy Achtenberg | § | Absent: Supervisor Bierman |
| | § | |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-92-84

JUN 1 0 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 118-93-3 ORDINANCE NO. 228-93

AMENDING PART II, CHAPTER V, SAN FRANCISCO MUNICIPAL CODE (HEALTH CODE) BY AMENDING SECTIONS 258, 291.7 AND 451 AND ADDING SECTION 294 THERETO TO IMPOSE A PERMIT REQUIREMENT AND FEE FOR OPERATION OF A SOLID WASTE TRANSFER STATION, TO INCORPORATE BY REFERENCE SECTION 40200 OF THE CALIFORNIA PUBLIC RESOURCES CODE, TO CHANGE THE FEES FOR REFUSE COLLECTION LIENS AND TATTOO PARLORS, TO CHANGE THE DEFINITION OF SPECIAL EVENTS, AND TO ADOPT A DEFINITION OF SCHOOL FOOD CONCESSIONS FOR PURPOSES OF ISSUING PERMITS.

NOTE: Additions or substitutions are underlined; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter V (Health Code) of the San Francisco Municipal Code is hereby amended by amending Sections 258, 291.7 and 451 and adding Section 294 to read as follows:

SEC. 258. LICENSE FEES. Upon approval of an application for a permit to engage in the practice of tattooing, the Director of Public Health shall forward the permit therefor to the Tax Collector, who, upon payment of the license fee hereinafter provided shall issue the permit to the designated permittee.

Every person engaged in the business of conducting, managing or operating any establishment for the practice of the art of tattooing shall pay a license tax of (($36)) $100 per year, or for any portion of a year, payable annually in advance.

SEC. 294. SOLID WASTE TRANSFER STATION - PERMIT REQUIRED. It shall be unlawful for a person, firm or corporation to operate a Solid Waste Transfer Station within the City and County of San Francisco without a permit issued and signed by the Director of Public Health. A Solid Waste Transfer Station is any facility defined



as a transfer or processing station under Section 40200 of the California Public Resources Code, which definition is incorporated by reference as if fully set forth herein.

SEC.291.7. PAYMENT BY DEPARTMENT OF PUBLIC HEALTH LIEN. Within 45 days following the receipt of the complaint filed in accordance with Section 291.5, the Director shall, regardless of any sale or other transfer of property following the date of receipt of such complaint, process the complaint for payment to the Collector from a continuing appropriation account so provided herein under Section 291.14, and the Owner shall be liable to the City for fees paid. The payment by the City will, upon the recording thereof in the manner herein provided create a lien on the real property to which the service was rendered. The lien will be officially recorded in the County Recorder's files, the lien to carry and will include additional charges for administrative expenses of (($40)) $50 or 10 percent of the amount owned, whichever is higher and interest at a rate of 1-1/2 percent per full month compounded monthly from the date of the recordation of the lien on all fees and charges due. The Owner shall be notified by the Director that the fees and charges are due to the City. In addition, the Owner shall be notified that if the fees and charges remain unpaid, subsequent proceedings may be taken to make said fees and charges a special assessment on the real property to which said refuse collection service was rendered.

SEC. 451. FOOD PREPARATION AND SERVICE ESTABLISHMENTS.

(a) "Food preparation and service establishment" as defined in this Section shall mean and include any restaurant or itinerant restaurant.

(b) "Restaurant means any coffeeshop, cafeteria, shortorder cafe, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private and public school cafeteria or eating establishment, in-plant employee eating establishment and any other eating establishment, organization, club, including Veterans' Club, boarding house, bed



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and breakfast establishments, guest house, caterer, which gives, sells or offers for sale, food to the public, guests, patrons, or employees as well as kitchens or other food preparation areas in which food is prepared on the premises for serving or consumption on or off the premises, and requires no further preparation and also includes manufacture of perishable food products that prepare food on the premises for sale directly to the public. The term "restaurant" shall not include itinerant restaurants, cooperative arrangements made by employees who purchase food or beverages for their own consumption and where no employee is assigned full time to care for or operate equipment used in such arrangement, or private homes; nor shall the term "restaurant" include churches, church societies, private clubs or other nonprofit associations of a religious, philanthropic, civic improvement, social, political, or educational nature, which purchase food, food products, or beverages or which receive donations of food, food products, or beverages for services without charge to their members, or for service or sale at a reasonable charge to their members or to the general public at occasional fundraising events, for consumption on or off the premises at which the food, food products, or beverages are served or sold, if the service or sale of such food, food products or beverages does not constitute a primary purpose or function of the club or association, and if no employee or member is assigned fulltime care for or operate equipment used in such arrangements. "Bed and breakfast establishment" shall mean a "restricted food service transient occupancy establishment" as defined in Health and Safety Code Section 27535.5.

(c) "Itinerant restaurant" means any restaurant operating from temporary facility, cart or vehicle, except those peddler wagons used for peddling as defined in Section 132(a) and (b) of Part III of the San Francisco Municipal Code, serving, offering for sale, selling or giving away food or beverage, and includes, but is not limited to, facility or



vehicle where only wrapped sandwiches or other wrapped and packaged, ready-to-eat foods are served, and any mobile unit on which food is prepared and served.

(d) "Guest house" means any building or portion thereof occupied or intended, arranged, or designed for occupation by 35 or more guests where sleeping rooms and meals are provided to the guests for compensation and shall include "guest house", "residence club", "lodge", "dormitory", residence cooperative and any of its variants.

(e) "Boarding house" shall mean any building or portion thereof occupied or intended, arranged or designed for occupation by six or more but less than 35 guests where sleeping rooms and meals are provided to the guests for compensation and includes all private institutional type homes where inspection is made by the San Francisco Department of Public Health.

(f) The term "owner" or "owners" as used herein, shall mean those persons, partnerships, or corporations who are financially interested in the operation of a food preparation and service establishment.

(g) An "operator" as used herein shall mean any person engaged in the dispensing of or in assisting in the preparation of food, or a person otherwise employed in a food preparation and service establishment.

(h) "Director" as used herein, shall mean the "Director of Public Health of the City and County of San Francisco", and "Inspectors" shall mean the "Inspectors of the Department of Public Health", administered by said Director. The Director shall be responsible for the administration and enforcement of Sections 451 to 454, inclusive, of this Article and the rules and regulations relating thereto. The Director shall, after a public hearing, prescribe the rules and regulations relating thereto. Said rules and regulations shall be issued in pamphlet form. All such food preparation and service establishments shall be operated, conducted and maintained in accordance therewith.

(i) "Special events" means any organized collection of food purveyors operating individually or as a group from within temporary facilities for a maximum ((21)) 25 days within a 90 day period upon private or public property.

(j) "School Food Concessions" means any food preparation, food service or food products intended for consumption by students attending or participating in activities within a school facility.

4159e



APPROVED AS TO THE FORM:

LOUISE H. RENNE
City Attorney

By Paula Jesson
Deputy City Attorney

RECOMMENDED:

Raymond Bautista
Director of Health

APPROVED:

Sandy Ouye Mori
Health Commission

Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | $ | Finally Passed |
| | $ | |
| June 7, 1993 | $ | June 14, 1993 |
| | $ | |
| | $ | |
| Ayes: Supervisors Alioto Conroy | $ | Ayes: Supervisors Alioto Bierman |
| Hallinan Hsieh Kaufman Kennedy | $ | Hallinan Hsieh Kaufman Kennedy |
| Leal Maher Migden Shelley | $ | Leal Maher Migden Shelley |
| | $ | |
| Absent: Supervisor Bierman | $ | Absent: Supervisor Conroy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

JUN 25 1993

John L. Taylor
Clerk

File No.
118-93-3

Date Approved

Frank M. Jordan
Mayor

FILE NO. 127-93-4 ORDINANCE NO. 207-93

AMENDING PART III, SAN FRANCISCO MUNICIPAL CODE (REVENUE AND FINANCE) BY AMENDING SECTIONS 35, 120, 122, 221, 248, 249.1, 249.3, 249.5, 249.6, 249.7, 249.9, 249.11, 249.12, 249.13, and 249.14 AND ADDING SECTIONS 249.2 and 249.15 TO CHANGE THE FILING AND LICENSE FEES FOR VARIOUS DEPARTMENT OF PUBLIC HEALTH SERVICES, TO REQUIRE A LICENSE FOR OPERATION OF A SOLID WASTE TRANSFER STATION, TO INCORPORATE BY REFERENCE SECTIONS 40191, 40194, 40195 AND 40200 OF THE CALIFORNIA PUBLIC RESOURCES CODE, TO DEFINE THOSE SCHOOL FOOD CONCESSION OPERATIONS THAT REQUIRE A LICENSE FEE, AND TO MAKE TECHNICAL CORRECTIONS.

NOTE: Additions or substitutions are underlined; deletions are indicated by ((double parentheses))

Be it ordained by the People of the City and County of San Francisco:

SECTION 1. Part III of the San Francisco Administrative Code is hereby amended by amending Sections 35, 120,122, 221, 248, 249.1, 249.3, 249.5, 249.6, 249.7, 249.9, 249.11, 249.12, 249.13 and 249.14 and adding Sections 249.2 and 249.15 to read as follows:

SEC. 35. FEE FOR INSPECTION BY THE HEALTH DEPARTMENT.

(a) Unless otherwise specifically provided, all fixed fees for inspection or permits which involve the Health Department shall be payable in advance annually.

A filing fee of ((($159)) $166 payable in advance to the Health Department for each inspection for a permit is required for a first-time inspection of a premise or thing if such inspection is requested or required as a condition of the issuance of a first permit or of a first license, except applications for permits for ambulances, refuse trucks, swill trucks, fumigation site surveillance, soft-serve ice cream machines and hazardous material storage.

(b) When two or more food produce and marketing establishments and food



preparation and service establishments, or any combination thereof, subject to inspection are located on the same premises and not contiguous to each other and are conducted by one owner whether person, firm or corporation, a permit shall be required for each such establishment.

(c) When the owner or lessee of premises where said class or classes of business are located or conducted does not directly or indirectly conduct the same, the owner or lessee of said premises shall not be required to obtain a permit for said premises or pay any fee imposed by this Section.

(d) A fee of $50 shall accompany any application for a special event referred to in Section 452(b) of the San Francisco Health Code.

(e) Exemptions: The following establishments are exempt, as set forth in Section 249.1 of this Code, from paying fees:

1) Food preparation and service establishments used exclusively by day care facilities for children.

2) Food preparation and service establishments funded through the San Francisco Commission on Aging for nutrition projects for older individuals.

(f) ((When a review of plans or blueprints is required as part of the application for permit process, a fee of $58 per hour will be charged. Services provided by the Health Department for which this fee will be charged include, but are not limited to, time expended reviewing plans or blueprints, consultations, and site inspections. A bill for these services will be issued to the applicant and must be paid prior to the Department approving the application for the Permit to Operate.))

When the Health Department provides inspection services, whether in response to a permit or license application or by request, a fee of $85 per hour will be charged. When these services are provided during non-regular working hours, a fee of $110 per



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hour will be charged. "Inspection Services" includes but is not limited to reviewing plans and blueprints, providing consultations and making site inspections. A bill for these services will be issued to the person making the application or request and must be paid prior to the Department's providing the service. If the time expended exceeds what the Department anticipated, the Department shall bill the applicant or person making the request for the addtional time expended and such person shall be responsible for paying that amount. Notwithstanding any other provision of this Section 35, all fees for routine, non-enforcement-related inspection services provided for solid waste transfer station permit issuance and compliance review will be included in the License Fee required by Section 249.15 of this Article.

SEC. 120. LAUNDRIES AND CLEANING AND DYEING WORKS

(a) Every owner, manager or lessee of a hand laundry will pay the following license fee annually in advance to the Tax Collector: (($47)) $49.

(b) Every owner, manager or lessee of a wash laundry will pay the following license fee annually in advance to the Tax Collector: (($100)) $105.

(c) Every owner, manager or lessee of a cleaning, dyeing or cleaning and dyeing works will pay the following fee annually in advance to the Tax Collector: $15.

(d) Every owner, manager or lessee of an automatic laundry (mechanical, pay-to-operate, washing or dyeing machine) will pay the following license fee annually in advance to the Tax Collector: (($15)) $16 plus (($4)) $5 per machine.

(e) Every owner, manager or lessee of a laundry delivery service will pay the following license fee annually in advance to the Tax Collector: $15 per delivery vehicle per year.

The license fees prescribed by this Section are due and payable on a calendar basis starting January 1, 1978. Fees for new licenses issued prior to January 1, 1978, or after



the first day of January in that calendar year, or in any subsequent calendar year, shall be prorated to the end of such calendar year on a monthly basis.

SEC. 122. LIVERY STABLES. All keepers or owners of stables or barns who rent or let horses, vehicles, or stalls, or who board horses, shall pay a license fee of (($125)) $131 per year. The license fee prescribed in this Section is due and payable on an annual basis, commencing October 1, 1978.

SEC. 221. LICENSE FEES FOR DOG KENNELS. Any person, firm or corporation in the City and County granted a permit for the maintenance and operation of a dog kennel shall pay to the Tax Collector an annual license fee of (($50)) $130 for the privilege of maintaining such dog kennel. Such annual license shall be for the fiscal year or any part thereof during which said dog kennel shall be maintained, and shall be due and payable in advance of the first day of October of each year and shall expire on the thirtieth day of September of the next year provided the above-mentioned permit has not been revoked.

SEC. 248. FOOD PRODUCT AND MARKETING ESTABLISHMENTS. The following fee for licenses is established for persons, firms or corporations engaged in the conduct or operation of the handling, manufacture or sale of foodstuffs, annually payable in advance to the Tax Collector. Fees in Classes A and B shall be based on inventory of food at cost basis in stock as of the first day of April.

Class A. Inventory of $900 or more - Fee (($326)) $341.

Class B. Inventory under $900 - Fee (($46)) $48.

Class C. Food Product and Marketing Establishments in stadiums, arenas or auditoriums with a seating capacity of 25,000 or more - Fee (($357)) $373 each.

The license fees prescribed in this Section are due and payable on an annual basis, starting September 1, 1983.

Fees for new licenses issued prior to September 1st, shall be prorated to September

1st, on a monthly basis.

SEC. 249.1. FOOD PREPARATION AND SERVICE ESTABLISHMENTS. Every person, firm or corporation engaged in the business of operating food preparation and service establishments that require permits from the Health Department shall pay an annual license fee to the Tax Collector as follows:

(a) Food preparation and service establishments in boarding houses: ((($118)) $123 each.

(b) Food preparation and service establishments in stadiums, arenas, or auditoriums with a seating capacity of 25,000 or more: ((($357)) $373 each.

(c) All other food preparation and service establishments: ((($488)) $510 each. The license fees prescribed in this Section are due and payable on an annual basis commencing April 1, 1984. Fees for new licenses issued prior to, or after April 1st, shall be prorated to April 1st on a monthly basis provided, however, that the increase in fees set forth in Ordinance No. 369-88 shall apply retroactively to the April 1st prior to the effective date of that ordinance and the Tax Collector shall take steps necessary to collect the increased fee from establishments governed by this subsection.

(d) Exemptions. The following establishments are exempt from paying the fees required by this Section.

1. Food preparation and service establishments used exclusively by day care facilities for children are exempt from paying the fees required by this Section.

For the purpose this subsection, a "day care facility for children" shall mean a "community care facility" licensed pursuant to the provisions of Chapter 3, Division 2 of the California Health and Safety Code (commencing at Section 1500) which provides nonmedical care to children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual



on less than a 24-hour basis, or a "family day care home for children" licensed pursuant to the provisions of Chapter 3.6, Division 2 of the California Health and Safety Code (commencing at Section 1597.50).

2. Food preparation and service establishments funded through the San Francisco Commission on Aging for nutrition projects for older individuals.

Sec. 249.2. SCHOOL FOOD CONCESSIONS. Every person, firm or corporation engaged in the business of selling, preparing or distributing food within school facilities that requires a Permit to Operate from the Health Department shall pay an annual license fee of $186.

SEC. 249.3 SALVAGE GOODS AND MERCHANDISE. Every person, firm or corporation engaged in the business of selling or distributing salvaged goods or merchandise that requires a permit from the Health Department shall pay an annual license fee of ((($348)) $364 to the Tax Collector.

Upon payment of said fee the Tax Collector shall issue to said person paying the same, a receipt showing said payment, which said receipt ((that)) shall be conspicuously displayed in the place of business of said dealer. Failure to pay said annual fee within the time provided by law shall ipso facto revoke any permit issued as provided in Section 707, Part II, Chapter V of the San Francisco Municipal Code.

The license fees prescribed by this Section are due and payable on a fiscal-year basis. Fees for licenses issued prior to or after July 1st in any subsequent fiscal year shall be prorated to July 1, on a monthly basis.

SEC. 249.5. PET SHOPS, DOG KENNELS, HOSPITALS FOR SICK ANIMALS. Every person, firm or corporation engaged in the business of operating a pet shop or hospital for sick animals that requires a permit from the Health Department shall pay an annual permit fee of (($103)) $108 to the Tax Collector

Every person, firm or corporation engaged in the business of operating a dog kennel that requires a permit from the Health Department shall pay an annual permit fee of ((($103)) $108 to the Tax Collector, in addition to the fee prescribed in Section 221 of Part III of this Code.

The permit fees prescribed by this Section are due and payable on an annual basis commencing October 1, 1978. Fees for new permits issued prior to or after October 1, 1978, or in any subsequent year, shall be prorated to October 1st on a monthly basis.

SEC. 249.6. VEHICLES FOR THE TRANSPORTATION OF REFUSE AND ADJUDICATION OF RATE DISPUTES. Every person, firm or corporation engaged in operating a vehicle for transportation of refuse or garbage that requires a permit from the Health Department shall pay an annual license fee to the Tax Collector as follows:

(a) Garbage trucks, (($2,175) $2,273 for each vehicle.

(b) Swill trucks, (($75)) $78 for each vehicle.

The license fees prescribed by this Section are due and payable on an annual basis. Fees for new licenses issued prior to or after January 1st, or in any subsequent calendar year, shall be prorated to January 1st on ((an)) a monthly basis.

The fees prescribed by this Section are for the purpose of reimbursing the City and County of San Francisco for costs incurred in inspection and licensing refuse vehicles and adjudicating refuse collection rate disputes.

SEC. 249.7. SWIMMING POOLS. Every person, firm or corporation engaged in operating a swimming pool on a year-round basis that requires a permit from the Health Department shall pay an annual license fee of ((($233)) $243 to the Tax Collector. Swimming pools that require a permit from the Health Department which operate less than six months per year shall pay an annual license fee of ((($200)) $209 per year to the Tax Collector.



The license fee shall be due and payable annually in advance on the first day of October of each year. Fees for the licenses issued prior to or after October 1st, shall be prorated on a monthly basis. Licens . fees paid hereunder shall not be refundable because of revocation of license, discontinuance of operation or sale or transfer of the swimming pool.

SEC. 249.9. USE OF POISONOUS GAS, ETC. Every person firm or corporation engaged in the business of fumigation that requires a permit from the Health Department shall pay an annual license fee of ((($20)) $21 to the Tax Collector.

The license fees prescribed by this Section are due and payable on an annual basis, commencing April 1st. Fees for new licenses issued prior to or after April 1st shall be prorated to April 1st on a monthly basis.

SEC. 249.11. TEMPORARY PERMITS. Temporary permits will be granted to operate establishments under Section 248--Food Product and Marketing Establishments and Section 249.1 -- Food Preparation and Service Establishments for a fee of ((($50)) $63, which will be effective for a period of one to 45 days.

Business concerns whose regular sales activities concern products or commodities other than food, but sell or give away food periodically for sales promotion purposes shall obtain a temporary permit prescribed by this Section.

Temporary permits will be granted to operate special events referred to in Section 452(b) of the San Francisco Health Code upon payment of $25 per individual purveyor and/or operation for the first day, and $10 each day per individual purveyor and/or operation thereafter. A $50 filing fee will be charged to the organizer of the special event or to each food vendor when no special event organizer exists.

SEC. 249.12. FOOD VENDING MACHINES. (a) Every person, firm or corporation engaged in the business of operating food vending machines shall pay a fee of ((($60)) $63.

Said fee is due and payable on an annual basis starting October 1st.

(b) In addition to the fee prescribed in Subsection (a) of this Section every permittee shall pay an annual fee of ((($3)) $4 for each vending machine operated in said business. The fee prescribed herein shall not be prorated.

(c) The fee prescribed in Subsection (b) of this Section shall be credited to the fee payable in Subsection (a) but said credit shall not exceed $60.

SEC. 249.13 WELLS AND WELL WATER. (a) Every person, firm or corporation engaged in operating water wells for drinking, domestic industrial or agricultural purposes that require ((requires)) a permit from the Health Department shall pay an annual license fee of ((($40)) $42 to the Tax Collector.

Fees for new licenses issued prior to or after January 1st, or in any subsequent calendar year, shall be prorated to January 1st, on a monthly basis.

SEC. 249.14. CERTIFIED TESTERS. Every person who is not a City employee and who is engaged in testing backflow prevention or cross-connection control devices for which a certificate is required from the Department of Public Health shall pay fee(s) to the Tax Collector prior to the issuance of said certificate as follows:

(a) Initial application for certification: $159.

(b) Training for certification: $115

(c) Examination for certification: ((($75)) $78.

(d) Seals or tags: ((($5)) $10 each

(e) Annual license fee and recertification fee: ((($75)) $78.

The fees for annual licenses shall all be prorated to January 1st on a monthly basis. All fees are nonrefundable.

SEC. 249.15. SOLID WASTE TRANSFER STATION LICENSE FEE. Every person, firm or corporation operating a Solid Waste Transfer or Processing Station



within the City and County of San Francisco shall pay to the Tax Collector an annual license fee beginning July 1, 1992 and each year thereafter on July 1 as follows:

(a) Large Quantity Transfer Station - any solid waste facility handling in excess of 250,000 tons of solid waste per year-$30,000.

(b) Medium Quantity Transfer Station - any solid waste facility handling between 10,000 and 249,999 tons of solid waste per year-$10,000.

(c) Small Quantity Transfer Station - ny solid waste facility handling less than 10,000 tons of solid waste per year-$1,000.

(d) For purposes of Section 35 and this Section 249.15 of the Article, the terms "Transfer or Processing Station", "Transportation", "solid waste", "solid waste facility", and "handling" shall be defined as set forth in Section 40191, 40194, 40195 and 40200 of the California Public Resources Code, which Sections are incorporated by reference as if fully set forth herein.

CC

APPROVED AS TO THE FORM:

LOUISE H. RENNE

City Attorney

By _____

Deputy City Attorney

RECOMMENDED:

_____

Director of Health

APPROVED:

_____

Health Commission

Board of Supervisors, San Francisco

Passed for Second Reading

June 7, 1993

Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley

Absent: Supervisor Bierman

Finally Passed

June 14, 1993

Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley

Absent: Supervisor Conroy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____

Clerk

File No. 127-93-4

JUN 25 1993

Date Approved

_____

Mayor

BOARD OF SUPERVISORS

FILE NO. 27-93-10 ORDINANCE NO. 208-93 CC

(Airport - Lease Modifications)

APPROVING MODIFICATION NO. 4 OF LEASE AND USE AGREEMENT BETWEEN DELTA AIR LINES, INC. AND CITY AND COUNTY OF SAN FRANCISCO, ACTING BY AND THROUGH ITS AIRPORTS COMMISSION.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Section 7.402-1 of the Charter, the Board of Supervisors hereby approves Modification No. 4 of the Lease and Use Agreement between Delta Air Lines, Inc. and the City and County of San Francisco, acting by and through its Airports Commission, copies of which Modification is contained in Board of Supervisors' file number 27-93-10.

APPROVED AS TO FORM:

LOUISE H. RENNE

City Attorney

By _____

Deputy City Attorney

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| June 7, 1993 | June 14, 1993 |
| Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Bierman | Absent: Supervisor Conroy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____ Clerk

JUN 25 1993

_____ Date Approved

_____ Mayor

File No.
27-93-10

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CC

FILE NO. 45-93-41 ORDINANCE NO. 209-93

AUTHORIZING SETTLEMENT OF APPELLATE ATTORNEYS' FEES AND PARTIAL SETTLEMENT OF DISTRICT COURT ATTORNEYS' FEE LITIGATION IN UNITED STATES (Davis) v. CITY AND COUNTY OF SAN FRANCISCO, ET AL.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the litigation over the attorneys' fees incurred in the United States Court of Appeal for the Ninth Circuit and to settle partially the litigation over attorneys' fees incurred in the United States District Court through 1988 in the action entitled "UNITED STATES (DAVIS) v. CITY AND COUNTY OF SAN FRANCISCO, et al.", United States District Court No. C84-7089 and United States Court of Appeal No. 91-15113 for the amount of $834,323.48.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

DENNIS AFTERGUT
Chief Assistant City Attorney

RECOMMENDED:

SAN FRANCISCO FIRE DEPARTMENT

JOSEPH MEDINA, CHIEF

FUNDS AVAILABLE

EDWARD HARRINGTON, CONTROLLER

3579G/111

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| June 7, 1993 | June 14, 1993 |
| Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Bierman | Absent: Supervisor Conroy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

JUN 25 1993
Date Approved

Frank M. Jordan
Mayor

File No.
45-93-41

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FILE NO. 46-93-7 ORDINANCE NO. 210-93

SETTLEMENT OF LAWSUIT)

AUTHORIZING SETTLEMENT OF CITY AND COUNTY OF SAN FRANCISCO v. CAROL JAN GREEN, RUSSELL GREEN, EILEEN GREEN, ET AL., UPON RECEIPT OF THE SUM OF $25,000.00 AND DISMISSAL OF COMPLAINT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Superior Court No. 944332 entitled "City and County of San Francisco, Plaintiff, v. Carol Jan Green, Russell Green, Eileen Green, et al., Defendants" by acceptance of the sum of $25,000.00 and by dismissing complaint.

Section 2. Upon receipt of said sum of $25,000.00 and appropriate paperwork the City Attorney is authorized to dismiss said actions.

APPROVED AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By Patrick J. Mahoney
PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM

By Clare M. Murphy
CLARE M. MURPHY
General Manager

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| June 7, 1993 | June 14, 1993 |
| Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Bierman | Absent: Supervisor Conroy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 46-93-7

JUN 25 1993
Date Approved

Frank M. Jordan
Mayor

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FILE NO. 46-93-8 ORDINANCE NO. 211-93

SETTLEMENT OF LAWSUIT)

AUTHORIZING SETTLEMENT OF MARILYN JEAN CHRISTENSEN v. TUTOR-SALIBA CORPORATION, ET AL., UPON RECEIPT OF $3,333.33 AND RELEASE OF LIEN.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Superior Court No. 904814 entitled "Marilyn Jean Christensen, Plaintiff, v. Tutor-Saliba Corporation, et al., Defendants" by acceptance of $3,333.33 and by releasing lien.

Section 2. Upon receipt of said $3,333.33 and appropriate paperwork the City Attorney is authorized to release said lien.

APPROVED AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By Patrick J. Mahoney
PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM

By Clare M. Murphy
CLARE M. MURPHY
General Manager

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| June 7, 1993 | June 14, 1993 |
| Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Bierman | Absent: Supervisor Conroy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
46-93-8

JUN 25 1993
Date Approved

Frank M. Jordan
Mayor

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As amended in committee
6/2/93

CC

FILE NO. 101-92-87

ORDINANCE NO. 212-93

(Government Funding)

RO# 92262 SA# 119

kg 6/2/93 **APPROPRIATING ~~$4,450,000~~ $3,845,822 FOR OTHER CONTRACTUAL SERVICES AND SERVICES OF OTHER DEPARTMENTS - CHIEF ADMINISTRATIVE OFFICER, SUPERIOR COURT FOR FISCAL YEAR 1992 - 93** ;placing $3,565,333 on reserve.

Be it ordained by the people of the City and County of San Francisco:

**Section 1.** FUNDS ARE HEREBY APPROPRIATED FOR FY 1992-93 AS FOLLOWS:

| Department and Number | Source of Funds and Purpose of Appropriation | Amount Debit | Amount Credit |
|---|---|---|---|
| **02 - 010** | **Courthouse Fund** | | |
| **10 - 00 - 00** | **Superior Court** | | |
| kg 6/2/93 GL 301 (004846) | Unreserved Fund Balance | 3,845,822 ~~$4,450,000~~ | |
| Project 008 - 01 | Temporary Courtroom Space | | |
| kg 6/2/93 10-1090 (316117) | Other Contractual Services | | 3,565,333 ~~$4,150,000~~ |
| kg 6/2/93 30-3330 | Services of Other Departments - Chief Administrative Officer | | 289,489 ~~300,000~~ |
| | **Total** | $3,845,822 ~~$4,450,000~~ | $3,845,822 ~~$4,450,000~~ |

kg 6/2/93 Section 2. Funds in the amount of $3,565,333 are hereby placed on reserve for Contractual Services pending selection of contractors and determination of their MBE/WBE status and detailed contract costs, to be released by the Budget Committee.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

_____
CONTROLLER

SUPERVISOR ALIOTO

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| June 7, 1993 | June 14, 1993 |
| Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Bierman | Absent: Supervisor Conroy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

JUN 25 1993
Date Approved

_____
Mayor

File No.
101-92-87

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FILE NO. 103-93-1

ORDINANCE NO. 213-93

AN ORDINANCE MODIFYING SCHEDULES OF COMPENSATION FOR PERSONS EMPLOYED BY THE CITY AND COUNTY OF SAN FRANCISCO, THE SAN FRANCISCO COMMUNITY COLLEGE DISTRICT, THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT, WHOSE COMPENSATIONS ARE SUBJECT TO THE PROVISIONS OF SECTION 8.403 OF THE CHARTER AND AS SET FORTH IN ORDINANCE 203-92, EFFECTIVE JULY 1, 1993.

Be it ordained by the People of the City and County of San Francisco:

I. The schedules of compensation for the below enumerated list of Bargaining Unit classifications and unrepresented classifications shall be as set forth in the schedule of compensation set forth herein effective July 1, 1993.

II. <u>List of Bargaining Unit Classification and Unrepresented Classifications</u>

IA. BARGAINING UNIT 8-D (Staff Nurses and P-103 Per Diem Nurses)

1. Staff Nurses
   2320 Registered Nurse
   2323 Clinical Nurse Specialist
   2330 Anesthetist
   2340 Operating Room Nurse
   2830 Nurse Practitioner

2. P-103 Per Diem Nurses

I.B. BARGAINING UNIT 11-B (Supervisory Nurses)

2322 Head Nurse
2324 Nurse Supervisor
2326 Nursing Supervisor Psychiatric
2342 Head Nurse, Surgery
2344 Chief of Surgery Nurses
2350 Instructor of Nursing
2352 Assistant Director of Nursing Education
2366 Assistant Director of Nurses, Laguna Honda Hospital
2368 Assistant Director of Nurses, S.F.G.H.
2832 Supervising Public Health Nurse



I.C. UNREPRESENTED CLASSIFICATIONS

2369 Director of Nurses, Laguna Honda Hospital
2370 Director of Nurses, S.F.G.H.
2394 Central Processing & Distribution Supervisor
2833 PHN Administrator
2836 Director, Public Health Nursing

III. Schedule of Compensation for Classes subject to Charter Section 8.403 shall be as set forth in attached schedule.

Approved as to form:
Theodore R. Lakey





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Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | $ | Finally Passed |
| | $ | |
| June 14, 1993 | $ | June 21, 1993 |
| | $ | |
| | $ | |
| Ayes: Supervisors Alioto Bierman | $ | Ayes: Supervisors Alioto Bierman |
| Hallinan Hsieh Kennedy Maher | $ | Conroy Hallinan Hsieh Maher |
| Migden Shelley | $ | Migden Shelley |
| | $ | |
| Noes: Supervisor Kaufman | $ | Noes: Supervisors Kaufman Leal |
| | $ | |
| Absent: Supervisors Conroy Leal | $ | Absent: Supervisor Kennedy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
103-93-1

6-28-93
Date Approved

Frank M. Jordan
Mayor

FILE NO. 114-92-10

6/3/93 - Amendment of the Whole.
ORDINANCE NO. 214-93

(Building Code)

Amending Part II, Chapter I of the San Francisco Municipal Code (Building Code) by Amending Sections 4306(i) and 5406(c) to require fire-resistive glazing to conform with safety glazing requirements in human impact locations.

NOTE: Additions are underlined, deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco.

Section 1. Part II, Chapter I of the San Francisco Municipal Code (Building Code) is hereby amended by amending sections 4306(i) and 5406(c) as follows:

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Fire-resistive Assemblies for Protection of Openings

Sec. 4306.(a) General. Where required by this code for the fire protection of openings, fire-resistive assemblies shall meet the requirements of this chapter.

Except where specifically indicated elsewhere in this code, the relationship between a fire-assembly and the wall in which the fire-assembly is installed, shall be as follows:

1-hour wall -- ¾-hour protector;

2-hour wall -- 1½-hour protector;

3-hour wall -- Minimum of two 1½-hour assemblies interconnected, or a 3-hour protector.

(b) Definitions.

FIRE ASSEMBLY is the assembly of a fire door, fire windows or fire damper, including all required hardware, anchorage, frames and sills.

FIRE ASSEMBLY, AUTOMATIC-CLOSING, is a fire assembly which may remain in an open position and which will close automatically when subjected to one or the other of the following:

1. An increase in temperature.

Unless otherwise specified, the closing device shall be one rated at a maximum temperature of 165o F.

2. Actuation of a smoke detector.

The closing device shall operate by the activation of an approved listed smoke detector. Smoke detectors shall be installed and maintained as set forth in the Fire Code.



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FIRE ASSEMBLY, SELF-CLOSING, is a fire assembly which is kept in a normally closed position and is equipped with an approved device to ensure closing and latching after having been opened for use.

**(c) Identification of Fire Doors, Fire Windows and Fire Dampers.** Fire doors, fire windows and fire dampers shall have a label or other identification showing the fire-protection rating. Such label shall be approved and shall be permanently affixed. The label shall be applied at the factory where fabrication and assembly are done. Inspection shall be made by an approved inspection agency during fabrication and assembly.

Oversized fire doors may be installed when approved by the building official. The doors shall be labeled or be furnished with a Certificate of Inspection from an approved agency.

**(d) Installation of Fire Doors, Hardware and Frames, and Fire Dampers.** Approved fire door hardware and fire door frames including the anchorage thereof shall be installed in accordance with their listing. Fire dampers shall be fabricated and installed in accordance with U.B.C. Standard No. 43-7.

**(e) Fire-resistive Tests.** The fire-protection rating of all types of required fire assemblies shall be determined in accordance with the requirements specified in U.B.C. Standards Nos. 43-2, 43-3, 43-4 and 43-7.

**(f) Hardware.** 1. Closing devices. Every fire assembly shall be provided with a closing device as follows:



A. Fire Assemblies required to have a three-hour fire-protection rating shall be automatic-closing fire assemblies. Automatic-closing fire assemblies to be activated by an increase in temperature shall have one heat-actuating device installed on each side of the wall at the top of the opening and one on each side of the wall at the ceiling height where the ceiling is more than 3 feet above the top of the opening.

B. Fire assemblies required to have a one- and one-half-hour, one-hour or three-fourths-hour fire-protection rating shall be either automatic- or self-closing fire assemblies. Automatic-closing fire assemblies to be activated by an increase in temperature shall have heat-actuating devices located as required in Item A or by a single fusible link in the opening incorporated in the closing device.

C. Fire door assemblies required to have fire-protection rating, which are installed across a corridor, shall be automatic-closing fire assemblies. Such fire assemblies shall be activated by a smoke detector. All hold-open devices shall be listed for the purpose and shall release or close the door in the event of a power failure at the device.

D. Fire assemblies required by provisions of Chapter 33 shall have closing devices as specified in Chapter 33.

Fire doors which are automatic closing by smoke detection shall not have a closing or reclosing delay of more than 10

seconds.

2. Hinges. Swinging fire doors shall not have less than two hinges, and when such door exceeds 60 inches in height an additional hinge shall be installed for each additional 30 inches of height or fraction thereof. Hinges, except for spring hinges, shall be of the ball-bearing or antifriction type. When spring hinges are used for door-closing purposes not less than one half of the hinges shall be spring hinges.

3. Latch. Unless otherwise specifically permitted, all single doors and both leaves of pairs of side-hinged swinging doors shall be provided with an automatic latch which will secure the door when it is closed.

**(g) Glazed Openings in Fire Doors.** Glazed openings in fire doors shall not be permitted in a fire assembly required to have a three-hour fire-resistive rating.

The area of glazed openings in a fire door required to have one- and one-half-hour or one-hour fire-resistive rating shall be limited to 100 square inches with a minimum dimension of 4 inches. When both leaves of a pair of doors have observation panels, the total area of the glazed openings shall not exceed 100 square inches for each leaf.

Glazed openings shall be limited to 1,296 square inches in wood and plastic-faced composite or hollow metal doors, per light, when fire-resistive assemblies are required to have a three-fourths-hour fire-resistive rating.



**(h) Fire Window Size.** Windows required to have a three-fourths-hour fire-resistive rating may have an area not greater than 84 square feet with neither width nor height exceeding 12 feet.

**(i) Glazing.** Glass or glass block assemblies shall be qualified by tests in accordance with U.B.C. Standard No. 43-2 (for doors) or U.B.C. Standard No. 43-4 (for windows). Glass or glass block shall be installed in accordance with their listing. <u>Glazing in fire door assemblies and in fire window assemblies subject to human impact which are in hazardous locations as indicated in Section 5406(d) shall comply with Section 5406(c).</u>

**(j) Fire Dampers.** Except where fire tests have shown that fire dampers are not necessary to maintain the required fire resistance of the construction, fire dampers complying with the requirements of U.B.C. Standard No. 43-7 shall be installed and be readily accessible for servicing in the following locations:

1. Duct penetrations through area or occupancy separation walls.

2. Duct penetrations through horizontal exit walls.

3. Duct penetrations through shaft enclosures.

**EXCEPTIONS:** 1. Duct penetrations by steel exhaust air subducts extending vertically upward at least 22 inches in a vented shaft where the airflow is upward.

2. Where not more than one duct penetrates the shaft enclosure between adjacent floor levels, the fire dampers

at the shaft enclosure may be omitted when the upper adjacent floor opening within the shaft enclosure is protected by horizontal fire dampers.

4. Duct penetrations of the ceiling of fire-resistive floor-ceiling or roof-ceiling assemblies shall be protected in accordance with Section 4305(b).

5. Duct penetrations through protective elements of fire-rated corridor walls. Such dampers shall be combination fire/smoke dampers conforming to U.B.C. Standards Nos. 43-7 and 43-12 with a minimum leakage classification of III.

**EXCEPTION:** A minimum of 0.019-inch (26-gauge) steel ducts do not require combination fire/smoke dampers when the ducts have no openings into the corridor.

6. Ducts that are not a part of the smoke-control system, penetrating atrium walls or ceilings as defined in Section 1716(c).

**(k) Installation.** Fire assemblies shall be installed in accordance with their listing.

**(l) Signs.** When required by the Superintendent, a sign shall be displayed permanently near or on each required fire door in letters not less than 1 inch high to read as follows:

FIRE DOOR

DO NOT OBSTRUCT

**(m) Combustible Sills and Floor Coverings.** Regardless of any other provisions of these regulations or the test standards adopted hereunder, combustible sills and floor coverings may be placed



under any fire door having a fire-resistive rating of less than 45 minutes. Carpet and carpet padding floor coverings shall have a minimum critical radiant flux limit of 0.22 watts/cm2 when tested in accordance with the Floor Covering Radiant Panel Test NFPA 253, 1984 edition. Such rating shall be maintained for a distance of 5 feet on all sides of the fire door except as otherwise prohibited by building design and construction.

**EXCEPTION:** Installation in existence prior to January 1, 1979.

**(n) Sprinkler Alternate for Window Fire Assemblies.** May not be used where openings in exterior walls are permitted pursuant to Section 504 (d) where 3/4-hour fire-resistive assemblies are required for window protection. Fixed metal sash and tempered or laminated glass may be used when an additional approved system of automatic sprinklers is installed adjacent to the widows, subject to the following conditions:

A. The glass shall be protected by a sprinkler system equipped with listed quick-response sprinklers. The sprinkler discharge shall completely wet the entire surface of the glass wall when actuated.

B. The glass shall be in a gasketed frame so installed that the glazing system may deflect without breaking (loading) the glass before the sprinkler system operates.

C. Obstructions such as curtain rods, drapery traverse rods, curtains, drapes or similar materials, shall not be installed

between the sprinkler and the glass.

D. The sum of the total area of such openings shall not exceed 25 percent of the area of the common wall, in which such openings are located. (Amended by Ord. 156-92, App. 6/4/92)





**Safety Glazing**

**Sec. 5406.(a) General.** Glazing subject to human impact shall comply with this section.

(b) **Identification.** Each light of safety glazing material installed in hazardous locations as defined in Section 5406(d) shall be identified by a label which will specify the labeler, whether the manufacturer or installer, and state that safety glazing material has been utilized in such installation. For additional identification requirements and for limitation on size and use by category classification, see U.B.C. Standard No. 54-2, Part I.

Each unit of tempered glass shall be permanently identified by the manufacturer. The identification shall be etched or ceramic fired on the glass and be visible when the unit is glazed. Tempered spandrel glass is exempted from permanent labeling but such glass shall be identified by the manufacturer with a removable paper label.

(c) **Human Impact Loads.** Individual glazed areas in hazardous locations such as those indicated in Section 5406(d), <u>including glazing used in fire assemblies in accordance with Section 4306,</u> shall pass the test requirements of Part I of U.B.C. Standard No. 54-2.

**EXCEPTIONS:** 1. Louvered windows and jalousies complying with Section 5405 need not comply with Section 5406(c).

2. Polished wired glass complying with Part II of U.B.C. Standard No. 54-2 may be used in fire-rated assemblies and in locations specified in Items 6 and 7 of Section 5406(d).

Plastic glazing used in exterior applications also shall comply with the weathering requirements in Part II of U.B.C. Standard No. 54-2.

(d) **Hazardous Locations.** The following shall be considered specific hazardous locations for the purposes of glazing:

1. Glazing in ingress and egress doors except jalousies.

2. Glazing in fixed and sliding panels of sliding door assemblies and panels in swinging doors other than wardrobe doors.

3. Glazing in storm doors.

4. Glazing in all unframed swinging doors.

5. Glazing in doors and enclosures for hot tubs, whirlpools, saunas, steam rooms, bathtubs and showers. Glazing in any portion of a building wall enclosing these compartments where the bottom exposed edge of the glazing is less than 60 inches above a standing surface and drain inlet.

6. Glazing in fixed or operable panels adjacent to a door where the nearest exposed edge of the glazing is within a 24-inch arc of either vertical edge of the door in a closed position and where the bottom exposed edge of the glazing is less than 60 inches above the walking surface.



7. Glazing in an individual fixed or operable panel, other than those locations described in Items 5 and 6 above, that meets all of the following conditions:

A. Exposed area of an individual pane greater than 9 square feet.

B. Exposed bottom edge less than 18 inches above the floor.

C. Exposed top edge greater than 36 inches above the floor.

D. One or more walking surfaces within 36 inches horizontally of the plane of the glazing.

8. Glazing in railings regardless of height above a walking surface. Included are structural baluster panels and nonstructural in-fill panels.

**EXCEPTION:** The following products and applications are exempt from the requirements for hazardous locations as listed in Items 1 through 8:

A. Glazing in Item 6 when there is an intervening wall or other permanent barrier between the door and the glazing.

B. Glazing in Item 7 when a protective bar is installed on the accessible sides of the glazing 34 inches to 38 inches above the floor. The bar shall be capable of withstanding a horizontal load of 50 pounds per linear foot without contacting the glass and be a minimum of 1-1/2 inches in height.

C. Outboard pane in insulating glass units and in other multiple glazed panels in Item 7 when the bottom exposed edge of the glass is 25 feet or more above any grade, roof, walking surface

or other horizontal or sloped (within 45 degrees of horizontal) surface adjacent to the glass exterior.

D. Openings in door through which a 3-inch-diameter sphere will not pass.

E. Assemblies of leaded, faceted or carved glass in Items 1, 2, 6 and 7 when used for decorative purposes.

F. Curved panels in revolving door assemblies.

G. Doors in commercial refrigerated cabinets.

H. Glass block panels complying with Section 2407(i)5.

(e) **Wardrobe Doors.** Glazing in wardrobe doors shall meet the impact test requirements for safety glazing as set forth in U.B.C. Standard No. 54-2, Part II. Laminated glass must also meet the boil test requirements of U.B.C. Standard No. 54-2, Part II.

**EXCEPTION:** The impact test shall be modified so that if no breakage occurs when the impacting object is dropped from the height of 18 inches, the test shall progress in height increments of 6 inches until the maximum of 48 inches is reached.

(f) **Glass Railings.** Glass used as structural balustrade panels in railings shall be one of the following types:

1. Single fully tempered glass.
2. Laminated fully tempered glass.
3. Laminated heat-strengthened glass.

The panels and their support system shall be designed to withstand the load specified in Table No. 23-B. A safety factor of 4 shall be used.



Each handrail or guardrail section shall be supported by a minimum of three glass balusters or otherwise supported so that it remains in place should one baluster panel fail.

Glass balusters shall not be installed without a handrail or guardrail attached.

For all glazing types the minimum nominal thickness shall be 1/4 inch.

Glazing materials shall not be installed in railings in parking garages except for those locations where the railing is not exposed to impact from vehicles.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Judith A. Baxgian
Deputy City Attorney

RECOMMENDED:

Deputy Director,
Public Services

DESCRIPTION APPROVED:

Superintendent, Bureau
of Building Inspection

APPROVED:

Director of Public Works

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| June 14, 1993 | June 21, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley |
| Excused: Supervisor Maher | |
| Absent: Supervisor Conroy | Absent: Supervisor Kennedy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
114-92-10

6-28-93
Date Approved

Frank M. Jordan
Mayor

FILE NO. 118-93-4 ORDINANCE NO. 215-93

[Lead Hazard Reduction Advisory Committee]

AMENDING PART II, CHAPTER V OF THE SAN FRANCISCO MUNICIPAL CODE (HEALTH CODE) BY AMENDING SECTION 1608, TO ADD TWO ADDITIONAL MEMBERS TO THE LEAD HAZARD REDUCTION CITIZENS ADVISORY COMMITTEE.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter V of the San Francisco Municipal Code (Health Code) is hereby amended by amending Section 1608, to read as follows:

Section 1608. Lead Hazard Reduction Citizens Advisory Committee.

(a). There is hereby established a Lead Hazard Reduction Citizens Advisory Committee (hereafter, the "Advisory Committee") of the City and County of San Francisco. The Advisory Committee shall (i) recommend to the Board of Supervisors a range of options for a lead hazard reduction program for residential Dwelling Units, and (ii) provide consultation and assistance to the Director upon the Director's request with respect to the implementation of those provisions when they become effective. The Advisory Committee shall submit a report to the Board of Supervisor within one year of the effective date of this ordinance and annually thereafter. The



report shall at a minimum include recommendations on the following matters:

(1) Acceptable levels of exposure to various sources of lead;

(2) The circumstances under which responsible parties must reduce lead exposure hazards to avoid imminent hazards and potential health risks to persons;

(3) A priority based schedule of classes of Dwelling Units and premises where owners or operators must reduce lead hazards based on various factors, such as the age and condition of a building, and the age of the occupants.

(4) Provisions to insure that occupants are relocated to lead-safe housing during lead hazard reduction activities where necessary;

(5) Acceptable lead hazard reduction methods;

(6) Containment and cleanup measures to be taken as part of the lead hazard reduction activities;

(7) Occupational safety and health provisions for inspectors, contractors, supervisors, workers and other persons who perform lead hazard reduction;

(8) Provisions to protect the health and safety of occupants, neighbors and the public from exposure to lead during lead hazard reduction activities;

(9) Provisions for insuring safe disposal of lead contaminated waste;



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(10) The qualifications necessary for any person (contractors, supervisors, consultants, and workers) to perform lead hazard work.

(11) Assess the extent of the need to implement lead hazard reduction efforts, the potential impact of alternative lead hazard reduction measures on tenants and landlords, and the most effective way to implement the program to reduce lead hazard risks.

(12) Provide advice to the Mayor's Office with respect to the development of proposed incentive programs pursuant to Section 1630 when the Mayor's Office requests such assistance.

(13) Appropriate financing mechanisms for any proposals recommended.

(b). The Advisory Committee shall consist of ((21)) 23 members appointed by the Board of Supervisors. The members shall consist of representatives, or their designee, from each of the following categories:

(1) Affordable housing developers: 1 representative.

(2) Bureau of Building Inspection: 1 representative.

(3) Painting contractors: ((1)) 2 representatives.

(4) Building trade: 1 representative.

(5) Child care: 1 representative.

(6) Mayor's Office: 1 representative involved in housing and community development issues.

(7) Department of Public Health: 1 representative.

(8) Public interest organization: 1 representative.



(9) Residential owners: 2 representatives.

(10) Tenant organizations: 3 representatives.

(11) Testing expert: 1 representative.

(12) Abatement expert: 1 representative.

(13) Financial expert: 1 representative.

(14) Physician: 1 representative.

(15) Insurance Industry: 1 representative.

(16) Parent: 1 representative

(((16))) (17) United States Environmental Protection Agency, CAL/OSHA, San Francisco Housing Authority: 3 representatives; 1 from each agency to serve as ex officio members.

The Director, or his or her designee, shall attend all meetings of the Advisory Committee.

(c). Members of the Committee shall serve without compensation or reimbursement for expenses. In the event a vacancy occurs, the Board of Supervisors shall appoint a successor from the same category.

(d). At the initial meeting of the Advisory Committee, and yearly, thereafter, the Advisory Committee members shall select such officers deemed necessary by the Advisory Committee. The Advisory Committee shall establish rules and regulations for its own organization and procedure and shall meet when necessary as determined by the Advisory Committee. All meetings shall, except as provided by general law, be open to the public.

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(e). The establishment of the Lead Hazard Reduction Committee is not intended to limit the efforts currently engaged in by City departments to reduce the risks of exposure to lead.

(f). The Director shall provide clerical assistance to the the Lead Hazard Reduction Citizens Advisory Committee and and its subcommittees.

(g). The Director and the Advisory Committee shall take the following actions to address lead hazards in Dwelling Units subject to inspection under Section 1626.

(1) The Director shall draft Proposed Interim Lead Hazard Reduction Guidelines designed to assist the Advisory Committee in its presentation under Section 1608(g)(2), and present them to the Advisory Committee at its first meeting.

(2) Within six (6) months after the effective date of this Section, the Advisory Committee shall present Final Interim Lead Hazard Reduction Guidelines ("Interim Guidelines"), including any changes recommended by the Advisory Committee, to the Board of Supervisors in the form of a draft ordinance. The Interim Guidelines shall be designed to be effective pending enactment of any ordinance based on the Advisory Committee's recommendations under Section 1608(a).

(3) The Interim Guidelines shall be developed in accordance with sound medical practice and current technical

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knowledge, and include at least the following:

(A) Procedures requiring the Owner of a Dwelling inspected pursuant to Section 1626 to reduce lead hazards.

(B) The amount or concentration of lead that creates a threat of cases of childhood lead poisoning, and the allowable means of detection.

(C) The surfaces where lead hazard reduction must be performed. These surfaces shall include areas accessible to children and areas where the condition of the paint, plaster or other surface covering is deteriorating and resulting in accessibility of lead paint to children.

(D) Acceptable methods of lead hazard reduction prescribing the removal or adequate covering of lead-based paint. Repainting with common non-lead-based paint, or covering with easily removable materials shall not constitute acceptable methods of lead hazard reduction. Acceptable methods shall prohibit reduction techniques which may damage the health of residents, neighbors or workers. Acceptable methods shall include cleanup and containment procedures.

(E) Procedures for inspections after lead hazard reduction work is completed, and for certification that lead hazards have been reduced in accordance with the Interim Guidelines.

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(F) Procedures requiring notice of the risks of lead paint hazards to tenants, purchasers of real estate, and purchasers of home improvement products. The Committee shall consider, among other matters it deems appropriate, how to define tenants, whether tenants in certain buildings (such as those newly constructed) need not receive notice; how and when the notice can be disseminated effectively and economically; whether the notice shall be posted in stores selling building materials and hardware; whether the notice shall be required in real estate transactions; and the content of the notice.

(4) Within six (6) months after the effective date of this Section, the Advisory Committee shall propose legislation to the Board of Supervisors amending the Chapter 37 of the San Francisco Administrative Code, the Residential Rent Stabilization and Arbitration Ordinance, to provide whether and under what circumstances the costs of lead hazard reduction may be passed on to tenants, and further to provide protection against permanent displacement of tenants due to lead hazard reduction.

(h) Members of the Lead Hazard Reduction Citizens Advisory Committee shall be appointed for a term of four years; provided, however, that the twenty-one members first appointed shall, by lot at the first meeting, classify their terms so that seven shall serve for a term of two years, ((seven)) <u>eight</u> shall serve for a term of

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/ / /



three years, and ((seven)) <u>eight</u> shall serve for a term of four years.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | $ | Finally Passed |
| | $ | |
| June 14, 1993 | $ | June 21, 1993 |
| | $ | |
| | $ | |
| Ayes: Supervisors Alioto Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley | $ | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley |
| | $ | |
| Absent: Supervisors Bierman Conroy | $ | Absent: Supervisor Kennedy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
118-93-4

Date Approved

Frank M. Jordan
Mayor

FILE NO. 34-93-3 ORDINANCE NO. 216-93

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION 1510 RE-ESTABLISHING THE OFFICIAL WIDTHS OF SIDEWALK ON HARRISON STREET BETWEEN 15TH AND 18TH STREETS, AND MAKING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1. Ordinance No. 1061 entitled "Regulating the Width of Sidewalks", be and is hereby amended in accordance with communication filed in the office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1510. The widths of sidewalk on a) the east side of Harrison Street between 15th Street and Treat Avenue, said sidewalk width being re-established at ten feet; b) the east side of Harrison Street between Treat Avenue and 16th Street, said sidewalk width being re-established at ten feet; c) the east side of Harrison Street between 16th and 17th Streets, said sidewalk width being re-established at fifteen feet; and d) the west side of Harrison Street between 17th and 18th Streets, said sidewalk width being re-established at fifteen feet.

SECTION 2. The Department of City Planning in its report dated August 14, 1992, declared that the above-described re-establishment of official sidewalk widths is in conformity with the Master Plan, and made findings of consistency with the Eight Priority Policies of City Planning Code Section 101.1.

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth in findings made by the Department of City Planning, by its letter dated August 14, 1992, that the project intended by the proposed re-establishment of official sidewalk widths is consistent with the Eight Priority Policies of City Planning Code Section 101.1.



The Department of Public Works, as is necessary as a result of this Ordinance, shall make arrangement with public utility companies and City departments for the relocation and/or adjustment of their facilities in the affected sidewalk and street areas.

RECOMMENDED:

Director of Public Works

DESCRIPTION APPROVED:

for City Engineer

APPROVED:

Chief Administrative Officer

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By Theodore R. Lakey
Deputy City Attorney



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CC

Board of Supervisors, San Francisco

Passed for Second Reading

June 14, 1993

Ayes: Supervisors Alioto Bierman
Hallinan Hsieh Kaufman Kennedy
Leal Maher Migden Shelley

Absent: Supervisor Conroy

Finally Passed

June 21, 1993

Ayes: Supervisors Alioto Bierman
Conroy Hallinan Hsieh Kaufman
Leal Maher Migden Shelley

Absent: Supervisor Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
34-93-3

6-28-93
Date Approved

Frank M. Jordan
Mayor

FILE NO. 101-92-86

(Government Funding)

ORDINANCE NO. 217-93

RO# 92256 SA# 107

**APPROPRIATING $64,744 FOR PROFESSIONAL SERVICES, ADULT PROBATION FOR FISCAL YEAR 1992 - 93; PROVIDING FOR RATIFICATION OF ACTION PREVIOUSLY TAKEN.**

Be it ordained by the people of the City and County of San Francisco:

**Section 1.** FUNDS ARE HEREBY APPROPRIATED FOR FY 1992-93 AS FOLLOWS:

| Department and Number | Source of Funds and Purpose of Appropriation | Amount Debit | Amount Credit |
|---|---|---|---|
| **01 - 001** | **General Fund** | | |
| **99 - 00 - 00** | **General Fund Unallocated** | | |
| GL 496 (000026) | Unappropriated Revenue Reserved | | |
| Subsidiary 000006 | General Reserve | $64,744 | |
| **13 - 01 - 00** | **Adult Probation** | | |
| 10-1000 (320507) | Professional Services | | $64,744 |

Section 2. Although the City has incurred no legal obligation under the Charter, the Board of Supervisors does hereby appropriate the funds necessary for the obligation and does hereby ratify the action previously taken.

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: _____
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

_____
CONTROLLER

Supervisor Alioto

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed for Second Reading

June 14, 1993

Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Leal Migden Shelley

Noes: Supervisors Kennedy Maher

Absent: Supervisor Conroy

Finally Passed

June 21, 1993

Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley

Absent: Supervisor Kennedy

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 101-92-86

6-28-93
Date Approved

_____
Mayor

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6/3/93 - Amendment of the Whole.

FILE NO. 114-92-9.1 ORDINANCE NO. 218-93

[Building Code]
AMENDING PART II, CHAPTER I, OF THE SAN FRANCISCO MUNICIPAL CODE (BUILDING CODE) BY AMENDING SECTION 104(b) TO DEFINE AND SET NEW REPAIR STANDARDS FOR DAMAGED BUILDINGS, PERMIT THE PARTIAL STRENGTHENING OF UNDAMAGED BUILDINGS AND CORRECT MINOR TYPOGRAPHICAL ERRORS IN ORDINANCE NO. 156-92 AND ADOPTING FINDINGS.

NOTE: Additions are indicated by underlining; deletions are indicated by ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors hereby finds that:

1. The earthquake threat to San Francisco is high. In the estimation of the National Earthquake Prediction Evaluation Council, there is a 67% chance for at least one earthquake of magnitude 7 or larger in the San Francisco Bay Area between 1990 and 2020.

2. In an earthquake, the risk to life comes primarily from older existing buildings. Damage to or collapse of these buildings would threated human life and jeopardize the economy.

3. Opportunities exist to correct the risks in these older buildings when they undergo repairs after being damaged by various causes. This is a point in time when the most strengthening can be accomplished with the least incremental economic impact.

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Supervisor Hsieh



4. Retrofit designed to minimize earthquake related damage would reduce loss of life and injury as well as prevent greater costs and hardships due to rescue, post-quake recovery, and negative economic hardships attributable to loss of housing and job sites.

5. The retrofitting of existing buildings is consistent with City policies. The Community Safety Element of the City's Master Plan, Policy 2 of Objective 1, calls for the City to "Initiate orderly abatement of hazards from existing buildings and structures"; One of Proposition M's priority policies is furthered: "that the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake."

6. Based on lessons learned after the Loma Prieta Earthquake of 1989, the time necessary for recovery from a natural disaster can be reduced if clear standards with regard to the repair of disaster related damage are in place prior to the disaster.

7. The building code should not present a disincentive to the voluntary strengthening of existing buildings. By establishing provisions permitting partial strengthening of undamaged buildings, the most serious defects in older buildings can be corrected with the minimum economic impact.

Section 2. Part II, Chapter I, of the San Francisco Municipal Code (Building Code) is hereby amended by amending Section 104 as follows:

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Sec. 104.(a) General. Buildings or structures to which additions, alterations or repairs are made shall comply with all the requirements of this code for new facilities, except as specifically provided in this section, and in the Housing Code and other applicable ordinances.

Additions, alterations or repairs may be made to any building or structure without requiring the entire existing building or structure to comply with all the requirements of this code, provided the addition, alteration or repair, and the resultant building, conforms with Section 104(b), with the Housing Code and other applicable ordinances.

Notarized certifications describing the extent of all previous substantial alteration work and/or previous changes of occupancy shall be submitted by the owner and the designer or a proposed alteration or change of occupancy when required by the Superintendent.

For construction in the Fire Zone, see Chapter 16.

Sec. 104.(b) Additions, Alterations or Repairs. In any addition, alteration, repair, installation, change or reconstruction of any building, other than in connection with initiation or expansion of a homeless shelter covered by Section 104(g), the new work, and any part of the building which becomes an integral part of, or is directly affected by such work shall meet the requirements of this code.

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EXCEPTION: Where an application is filed on or after January 1, 1992 to alter or repair a City-owned building under the Public Safety Improvement Projects funded by General Obligation Bonds, the building's existing electrical, plumbing, mechanical, fire protection or life-safety systems may be removed during the seismic strengthening work and the same system reinstalled without the system being required to meet the provisions of this code, provided that: (1) the system complies with the code in effect at the time of its original construction or installation, (2) the system is safe to continue to operate in the opinion of the Superintendent and the Chief of the Bureau of Fire Prevention and Safety, and (3) the system is not relocated, altered for reuse or expanded.

1. Non-structural work. The extent of nonstructural work to be included shall be determined by the provisions of Section 502 if applicable, and by the following criteria:

All new work added to the building that did not previously exist in the building.

All construction within a building which is removed and replaced by new construction, or which is relocated or altered for reuse.

(A) Walls and partitions. When 75 percent of the existing interior walls or partitions in a story, as measured by the lineal footage of such interior wall and partition, are removed or relocated, or when new interior walls or partitions are added which exceed 75 percent of the total lineal

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footage of the combined existing and new interior walls and partitions that would then be in place in that story, all interior walls and partitions in that story involved shall comply with this code.

(B) Substantial change. Whenever alteration work involves substantial changes to elements such as walls, partitions, or ceilings, on 2/3 or more of the number of stories excluding basements, the building as a whole shall comply with Section 104(f). The term "change" includes the addition, removal, repair, or modification of such elements. All such work included in alteration permits issued within two years of the date of a permit application shall be included in the determination of whether the application is proposing substantial changes to the building.

2. Structural work. The extent of an existing building that is considered as being directly affected by the new work, with regard to structural considerations, shall be determined using the following criteria:

When structural alteration work is to be done on the roof or any floor of a building or structure, the work shall comply with the structural requirements of this code. The structural elements above and below the roof or floors involved shall be strengthened in accordance with the following criteria:

(A) Strengthening to Support Vertical loads. When vertical loading is increased on the roof or floor of a building or structure, the roof or floor involved shall meet the structural requirements of this code and all

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structural elements supporting the roof or floor with the increased loading shall be capable of supporting the total imposed loads.

(B) Strengthening to Resist Lateral Forces. Buildings shall be strengthened to resist lateral forces in accordance with the following criteria:

(i) Structural Alterations: When more than 30 percent, cumulative since the building was built, of the floor and roof areas of the building or structure have been or will be involved in substantial structural alteration ((and/or repair work)), the building or structure shall comply with Section 104(f). The areas to be counted towards the 30 percent shall be those areas tributary to the vertical load carrying components (joists, beams, columns, walls and other structural components) that have been or will be removed, added or altered. Areas added since the building was built, such as mezzanines, penthouses, roof structures and infilled shafts, shall also be included.

When alterations involve only the lowest story of a wood-frame building and neither Section 104(h) nor Section 502 apply, only lateral-force resisting components in and below that story need comply with Section 104(f).

(ii) Structural Repairs to Damaged Buildings. Repairs to structures which have sustained structural damage shall comply with the lateral force design provisions of Section 104(f) or of the code under which the structures were designed, whichever is more restrictive.

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EXCEPTION: When compliance with a standard no more restrictive than Section 104(f) is required, damaged wood frame buildings may be strengthened to comply with the provisions of Section 104(h) regardless o the type of site soils or cause of damage.

A structure shall be considered to have sustained structural damage when the lateral-force resisting system in any story taken as a whole has suffered damage such that its capacity has been reduced by more than 20 percent (10 percent for wood frame buildings in Special Soil Areas) from its pre-damaged condition. A structure shall also be considered to have sustained structural damage when the vertical-load carrying components supporting more than 30 percent of the structure's floor or roof area have suffered a reduction in vertical-load carrying capacity such that they are required to be either structurally repaired or replaced in order to comply with this code.

Damage may be caused by events or combination of events, including but not limited to, fire, explosion, structural pest or wood destroying organism attach, earthquake, wind storm, vehicular impact, ground subsidence or failure, or the collapse or dislodgement of any portion of any adjacent building. The removal or alteration of structural elements as part of the work described in an approved building permit application shall not be considered to be "damage".

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(iii) Partial Strengthening of Undamaged Buildings. The partial strengthening of the lateral-force resisting system of an undamaged building is permitted provided:

1. The strengthening is not required by any other provision of this code or the Housing Code.

2. The applicant demonstrates to the satisfaction of the Superintendent that the proposed partial strengthening will not induce other structural deficiencies or irregularities into the structure.

3. The strengthening encompasses an entire story of stories to comply with Section 104(f) and includes a complying diaphragm (new or existing) at the boundary between the strengthened and unstrengthened stories. The strengthening shall include a complete lateral force resistance path from that diaphragm to the foundation. The lateral-force level used shall be not less than that specified in Section 2303(h).

EXCEPTION: The correction of a soft or weak story caused by an open front condition in the lowest story of a wood frame building of three stories or less may be corrected without strengthening the entire story to comply with Section 104(f).

3. Additions to buildings. A horizontal or vertical addition to a building is construction which changes the enclosed envelope of the building. A building in which the number of stories is increased within an

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existing building envelope shall also be considered as a vertical addition except that work which would create a story in a space previously excluded from consideration as a story under Table 5-D need not comply with Section 104(f). The horizontal expansion of an existing story shall be considered a horizontal addition. Stairways, mechanical rooms and elevator penthouses shall not be considered as an addition for compliance with Section 104(f) except when the aggregate areas of all penthouses and other roof structures exceeds 33 percent of the roof area. Additions shall meet all the requirements of the following subsections.

(A) Exits. Exit facilities for the entire structure shall be of sufficient width for the total occupancy load of the building, including the addition, and shall be computed on the basis of occupancy loads as assigned in the code in effect at time of the original building erection for the building, and the occupant load in the current code for the portion to be added.

(B) Stairways. All stairways in a building serving three or more stories shall be enclosed in accordance with Chapter 33.

(C) Height. The height and area limitations in Chapter 5 shall apply.

(D) Fire protection. The original building and the addition shall comply with the applicable provisions of Chapter 38, and if the resultant building is over 75 feet in height required to meet the provisions of 1807.

4. Vertical Additions. Vertical additions shall meet the following requirements:

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Except as provided ((above and)) in Section ((2313(c))) 2303(h)3(e) Exception ((4)), the building shall comply with Section 104(f).

The building shall be used for the same occupancy classification as originally built, or for less restrictive occupancy classifications as determined from Chapter 5. The occupancy of the vertical addition shall comply with the use height limitations of Table No. 5-D.

5. Horizontal additions. Horizontal additions shall meet the following requirements:

When the cumulative area of additions excluding basement additions exceeds 30 percent of the area of the original building excluding basements, and the additions are structurally interconnected to or not separated to comply with Section ((2312(h)2K)) 2337(b)11, the entire structure shall comply with Section 104(f).

The combined building may be used for more restrictive occupancy classifications as determined from Chapter 5 only when the structure as a whole meets the requirements in this code for such occupancy.

Sec. 104.(c) Existing Installations. Buildings in existence at the time of the passage of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the passage of this code, provided the building construction met the code requirements in

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effect at the time of construction and alteration, and such continued use is not dangerous to life and is not substandard under the San Francisco Housing Code.

Any change in the use or occupancy of any existing building or structure shall comply with the provisions of Sections 307 and 502 of this code. No change in the percentage of lot occupied shall be permitted, whether by sale, conveyance or otherwise, so as to diminish the required size of yards, courts or passageways.

Sec. 104. (d) Maintenance. All buildings and structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the Superintendent may cause any structure to be reinspected.

Sec. 104. (e) Moved Buildings. Buildings or structures moved into or within the City shall comply with the provisions of this code for new buildings or structures. See Section 316 for procedures and Chapter 16 for requirements in the Fire Zone.

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Sec. 104. (f) Lateral Force Design Requirements for Existing Buildings. Whenever other provisions of this code require compliance with this subsection, the lateral force provisions of Section 2313 shall apply to the entire building or structure, except as otherwise provided therein.

Sec. 104. (g) Homeless Shelters. Notwithstanding any other provision of this section, any addition, alteration, repair, installation, change or reconstruction of any building, which is made in order to initiate, expand or continue a facility which, as approved by an authorized government agency, shelters otherwise homeless persons and which is operated by an organization exempt from federal income tax under Interal Revenue Code Sections 501(c)(3) or 501(d), shall meet only those requirements of this code which are determined by the Superintendent, pursuant to an administrative bulletin to be published by the Superintendent, after consultation with the Fire Department, to be necessary or appropriate to prevent a life hazard, or to prevent the building from being or becoming substandard. With respect to lateral force provisions, said bulletin shall not waive any requirement which can be satisfied by work eligible to receive financial assistance from the State of California. Any provision waived by said bulletin shall be applied when homeless shelter use is reduced.

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Sec. 104. (h) Minimum Lateral Force Requirements for Repair or Partial Reconstruction of Earthquake-Damaged Buildings That Are Located in Special Soils Areas. 1. General. The provisions of this section shall apply to existing woodframe buildings which do not presently conform with Section 104(f), are located in areas where special soils conditions are known to exist, have been structurally damaged by an earthquake, and for which a permit application is filed on or after February 13, 1990 to repair or reconstruct portions of a building structurally damaged by an earthquake. Except where specifically exempted by this section, the seismic resistance requirements established by this section shall apply to the entire building and not just to the area of repair or reconstruction.

EXCEPTION: The provisions of this section shall not apply to buildings otherwise subject to this section that have been designated as landmark buildings by the City and County of San Francisco and that comply with Part 8 of Title 24 of the California Code of Regulations (The State Historical Building Code).

Prior to the issuance of a permit to repair or partially reconstruct buildings subject to this ordinance, it shall be demonstrated to the satisfaction of the Superintendent that the building when repaired will conform to the requirements of this section.

In analyzing whether the building is capable of resisting lateral forces, consideration shall be given to all aspects of construction which

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may affect structural safety, including, but not limited to (i) the quality of the original materials and workmanship, (ii) the adequacy of connections between structural members, (iii) the degree to which various components of the building are tied together, (iv) the capacity and rigidity of diaphragms, (v) the adequacy of building separations, (vi) the security of filler walls, panels, glazing, parapets and appendages, and (vii) the current condition of the building.

2. Definitions. For purposes of this section, certain terms are defined as follows:

CAPACITY is the lateral force resistance capacities of all materials in a story as determined in accordance with criteria established by the Superintendent and available in an Administrative Bulletin.

DEMAND means the seismic forces calculated in accordance with this section.

EARTHQUAKE is a seismic disturbance and any related aftershocks.

SPECIAL SOILS are expansive soils, unengineered fills, or soils subject to liquefaction. Specific areas where special soils are known to exist shall be identified by the Superintendent in an Administrative Bulletin.

STRUCTURALLY DAMAGED means impairment to the building's lateral force resisting system by more than 10 percent. If the buildings pre-existing capacity to resist seismically induced lateral forces is reduced

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to less than 90 percent, then the building shall be presumed to be structurally damaged if it has been determined by the Department of Public Works to be unsafe or safe for limited entry.

3. Seismic Strengthening Requirements for Woodframe Buildings Less Than Three Stories in Height. Existing woodframe buildings subject to this section that are less than three stories in height shall have their sills anchored to the foundation in accordance with Section 2907.

4. Seismic Strengthening Requirements for Woodframe Buildings Three or More Stories in Height. Existing woodframe buildings subject to this section that are three or more stories in height shall be investigated in the following order to determine their ability to resist lateral forces and the seismic strengthening required:

A. The lowest story of a building and all woodframe construction shall be investigated first. If the capacity to demand ratio is less than 0.75, then the building's lateral force resisting elements in the lowest story and all woodframe construction below shall be strengthened to meet the requirements set forth in Section 2313.

B. In the event that the lowest story and all woodframe construction below has a capacity to demand ratio of less than 0.75, then the upper stories shall also be investigated and if found to have a capacity to demand ratio of less than 0.50, they shall be strengthened to meet the requirements set forth in Section 2313.



Stories with larger capacity to demand ratio than set forth above shall be exempt from the strengthening requirement, except that the strengthening of an upper story shall require the strengthening of that story and all stories and woodframe construction below.

As a minimum, all isolated footings shall be tied together in two directions at approximately right angles to each other. The ties shall be capable of resisting, in tension or compression, a minimum horizontal force equal to 10 percent of the total footing load. Ties shall be of concrete having a minimum cross sectional area of 144 square inches and contain a minimum of 1 square inch of continuous reinforcing steel.

EXCEPTION: Other approved methods may be used where it can be demonstrated to the satisfaction of the Superintendent that equivalent restraint can be provided.

5. Emergency Shoring. Emergency shoring is shoring of unoccupied buildings to be left in place less than 90 days. This shoring shall be capable of withstanding dead loads in addition to a 5 pound per square foot horizontal load.

6. Temporary Shoring. Where temporary shoring must be installed to stabilize a building, it shall comply with the lateral force level in Section 104(f).

7. Special Provisions for Foundation Design and Construction. Where special soils are know to exist, the Superintendent may require special provisions in the foundation design and construction and a special investigation and report pursuant to Section 1905(d).

Sec. 104. (i) Historic Buildings. See the California Historical Building Code, Part 8, Title 24, California Code of Regulations. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all the requirements of this code when authorized by the building official, provided:

1. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.

2. Any unsafe conditions as described in this code are corrected.

3. The restored building or structure will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

Sec. 104.(j) Existing Exiting Systems. Existing exiting systems that are in compliance with the code in effect at the time of their original construction and any subsequent alterations need not be brought into compliance with the requirements of this code unless one or more of the following conditions exist:

1. The occupant load tributary to the exiting system is increased.

2. The area served by the exit system undergoes a change of occupancy or use and is required to comply with Sections 502 or 104(b)1A.



3. Construction causes a physical increase in the number of stories.

4. The Superintendent or the Chief of the Division of Fire Prevention and Investigation determines that the continuance of the existing exiting system presents a significant hazard to the public safety.

When existing exiting systems are required to be modified, such modifications may be in accordance with guidelines established by the Superintendent, subject to the approval of the Superintendent and the Fire Department.

Residential buildings shall comply with applicable exiting provisions in the housing code.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By Theodore R. Lakey
Deputy City Attorney

Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | § | Finally Passed |
| | § | |
| June 14, 1993 | § | June 21, 1993 |
| | § | |
| | § | |
| Ayes: Supervisors Alioto Bierman | § | Ayes: Supervisors Alioto Bierman |
| Hallinan Hsieh Kaufman Kennedy | § | Conroy Hallinan Hsieh Kaufman |
| Leal Maher Migden Shelley | § | Leal Maher Migden Shelley |
| | § | |
| Absent: Supervisor Conroy | § | Absent: Supervisor Kennedy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
114-92-9.1

6-28-93.
Date Approved

Frank M. Jordan
Mayor

FILE NO. 45-93-38

ORDINANCE NO. 219-93

RO #92258

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF VICTORIA GOT AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $65,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "VICTORIA GOT v. CITY AND COUNTY OF SAN FRANCISCO, et al.," San Francisco Superior Court No. 933-015, by the payment of $65,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

JOHN E. CRIBBS
Director

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

MAY 06 1993

01 001 97 09 90
309674 1450 $65,000.00

APPROVED:

RUDOLF NOTHENBERG
Chief Administrative Officer

7930n

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

| | |
|---|---|
| Passed for Second Reading | Finally Passed |
| June 21, 1993 | June 28, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley |
| Absent: Supervisor Kennedy | Absent: Supervisor Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-93-38

JUL 2 1993
Date Approved

Mayor

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CITY AND COUNTY OF SAN FRANCISCO

INTERIM

CONSOLIDATED BUDGET

AND

ANNUAL APPROPRIATION ORDINANCE

FISCAL YEAR ENDING JUNE 30, 1994

File No. 101-93-1 Ordinance No. (Interim Budget)

Board of Supervisors, San Francisco

| Passed for Second Reading | § | Finally Passed |
|---|---|---|
| June 23, 1993 | § | June 28, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley | § | Ayes: Supervisors Alioto Bierman Conroy Hsieh Kaufman Kennedy Leal Migden Shelley |
| | § | Noes: Supervisor Hallinan |
| | § | Absent: Supervisor Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No. 101-93-1

JUL 2 1993
Date Approved

Frank M. Jordan
Mayor

ORIGINAL

ORIGINAL

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FILE NO. 102-93-1 FISCAL YEAR 1993-94 ORDINANCE NO. 221-93

AMENDMENT OF THE WHOLE 6/16/93

INTERIM

AN ORDINANCE ENUMERATING POSITIONS IN THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 1994, CONTINUING, CREATING OR ESTABLISHING THESE POSITIONS; ENUMERATING AND INCLUDING THEREIN ALL POSITIONS CREATED BY CHARTER OR STATE LAW FOR WHICH COMPENSATIONS ARE PAID FROM CITY AND COUNTY FUNDS AND APPROPRIATED IN THE ANNUAL APPROPRIATION ORDINANCE; AUTHORIZING APPOINTMENTS OR CONTINUATION OF APPOINTMENTS THERETO; SPECIFYING AND FIXING THE COMPENSATIONS AND WORK SCHEDULES THEREOF; AND AUTHORIZING APPOINTMENTS TO TEMPORARY POSITIONS AND FIXING COMPENSATIONS THEREFOR.

Board of Supervisors, San Francisco

Passed for Second Reading

June 23, 1993

Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley

Finally Passed

June 28, 1993

Ayes: Supervisors Alioto Bierman Conroy Hsieh Kaufman Kennedy Leal Migden Shelley

Noes: Supervisor Hallinan

Absent: Supervisor Maher

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 102-93-1

JUL 2 1993
Date Approved

Frank M. Jordan
Mayor

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CC

FILE NO. 45-93-39

ORDINANCE NO. 222-93

RO #92257

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF PATRICIA BRIGHT AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $16,666.66.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "PATRICIA BRIGHT v. CITY AND COUNTY OF SAN FRANCISCO, et al.," San Francisco Superior Court No. 935-915, by the payment of $16,666.66.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

JOHN E. CRIBBS
Director

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

01 001 97 09 90
309674 1450 $16,666.66

MAY 06 1993

APPROVED:

RUDOLF NOTHENBERG
Chief Administrative Officer

7885n

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | § | Finally Passed |
| June 21, 1993 | § | June 28, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley | § | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley |
| Absent: Supervisor Kennedy | § | Absent: Supervisor Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-93-39

JUL 2 1993
Date Approved

Mayor

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CC

FILE NO. 45-93-48 ORDINANCE NO. 223-93

(SETTLEMENT OF LITIGATION)

APPROVING THE DISMISSAL OF LITIGATION OF EUREKA FEDERAL SAVINGS AND LOAN ASSOCIATION OF SAN FRANCISCO AND THE CITY AND COUNTY OF SAN FRANCISCO FOR NO MONEY PAYMENT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to dismiss its counterclaim in exchange for the dismissal with prejudice of the action entitled Eureka Federal Savings and Loan Association of San Francisco v. City and County of San Francisco, Superior Court No. 794-931 for no money payment between the parties thereto.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

TAX COLLECTOR

THAD BROWN
Tax Collector

1498j-14

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

| Passed for Second Reading | § | Finally Passed |
|---|---|---|
| June 21, 1993 | § | June 28, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley | § | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley |
| Absent: Supervisor Kennedy | § | Absent: Supervisor Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-93-48

JUL 2 1993
Date Approved

Mayor

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FILE NO. 46-93-9 ORDINANCE NO. 324-93

SETTLEMENT OF LAWSUIT)

AUTHORIZING SETTLEMENT OF DANIEL HUBBARD AND KAREN HUBBARD v. AMERICAN RUBBER MANUFACTURING COMPANY, INC., ET AL., UPON RECEIPT OF THE SUM OF $5,000.00 AND A COMPROMISE AND RELEASE AND DISMISSAL OF COMPLAINT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Superior Court No. 921728 entitled "Daniel Hubbard and Karen Hubbard, Plaintiffs, v. American Rubber Manufacturing Company, Inc., et al., Defendants" by acceptance of the sum of $5,000.00 and a Compromise and Release waiving the employee's to new and further permanent disability and by dismissing complaint.

Section 2. Upon receipt of said sum of $5,000.00 and a Compromise and Release and appropriate paperwork the City Attorney is authorized to dismiss said actions.

APPROVED AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By _____
PATRICK J. MAHONEY,
Chief Trial Deputy

RECOMMENDED:

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM

By _____
CLARE M. MURPHY
General Manager

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | § | Finally Passed |
| June 21, 1993 | § | June 28, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley | § | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley |
| Absent: Supervisor Kennedy | § | Absent: Supervisor Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
46-93-9

JUL 2 1993
Date Approved

_____
Mayor

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[Warning Signs -- Lubricants]

AMENDING PART II, CHAPTER V OF THE SAN FRANCISCO MUNICIPAL CODE (HEALTH CODE) BY ADDING SECTIONS 267.7 THROUGH 267.13 THERETO, PROVIDING FOR POINT OF RETAIL SALE LUBRICANT WARNING SIGNS.

NOTE: All sections are new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter V of the San Francisco Municipal Code (Health Code) is hereby amended by adding Sections 267.7 through 267.13 thereto, to read as follows:

SEC. 267.7. POLICY. It is the policy of the City and County of San Francisco to require every person who sells personal lubricants intended to be used with condoms to post a conspicuous warning at the point of retail sale or display for purchase that lubricants containing oil or vegetable shortening used with a latex condom may damage the integrity of the condom, water based lubricants are condom compatible, and lubricants containing nonoxynol-9 may decrease transmission of STD's and HIV when used with a condom.

SEC. 267.8. FINDINGS. Testing of short-term exposure to lubricants adjunctly applied to latex condoms concluded that



oil-based personal lubricants have a significant deleterious effect on the strength of condoms. The U.S. Department of Health and Human Services, Public Health Service, issued a report ("Condoms for Prevention of Sexually Transmitted Diseases," 1988) that recommends that only water-based lubricants should be used with a condom. Petroleum- or oil-based lubricants (such as petroleum jelly, cooking oils, shortening, and lotions) should not be used since they weaken the latex. This report indicates that use of oil-based lubricants that weaken latex may contribute to the failure of condoms to protect against STD. The effect of oil-based lubricants on condom performance was tested by CONSUMER REPORTS by using oil-based lubricants in airburst testing. In this test, at least half of the samples of each condom failed.

Therefore, in order to serve the public health, safety and welfare, the Board of Supervisors declares that the purpose of this article is to educate the public by requiring that warning signs about oil-based lubricants be placed at all locations where personal lubricants are sold to the public.

SEC. 267.9. DUTY TO POST. (a) Every person or entity who owns, operates, manages, leases or rents a premises offering personal lubricants for sale to the public shall cause a sign or notice to be posted at the point of sale or display for purchase. Such notice shall be in English, Spanish, Chinese and Tagalog as provided in this section.



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The sign or notice shall read:

CAUTION

CHECK THE LABEL BEFORE YOU BUY.
USE ONLY WATER BASED LUBRICANTS WITH A CONDOM. STUDIES SHOW CONDOMS BREAK IF USED WITH LUBRICANTS CONTAINING OIL OR VEGETABLE SHORTENING.

For More Information Call: _____

(b) Such sign shall be not less than eight and one-half inches by eleven inches and shall be conspicuously displayed so as to be readable. The word "CAUTION" shall not be less than one-half inch in height and shall be centered on a single line with no other text. The sentence "For More Information Call _____." shall be a separate paragraph centered immediately following the last sentence of the English warning and the same format shall be followed for the other languages.

(c) The required sign or notice shall be placed as follows: At least one sign shall be posted where the sale or display for purchase of personal lubricants to the public occurs and shall be conspicuously displayed so as to be readable.

(d) It is the intent of the Board of Supervisors in approving these provisions that the specified warning notices shall be provided by the Department of Public Health within 30 days of the effective date of this ordinance to facilitate compliance with the requirements.

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SEC. 267.10. VIOLATIONS AND PENALTIES. Anyone, subject to the provision of Sec. 267.9 knowingly failing to post the required warning, is guilty of an infraction.

SEC. 267.11. ENFORCEMENT. In addition to any peace officer the following classes of employees of the City and County of San Francisco shall have the authority to enforce the provisions of Section 267.9:

| Classification Number | Class Title |
|---|---|
| 6120 | Environmental Health Inspector |
| 6122 | Senior Environmental Health Inspector |
| 6124 | Principal Environmental Health Inspector |
| 6127 | Assistant Director, Bureau of Environmental Health |
| 6126 | Director, Bureau of Environmental Health |
| 8280 | Environmental Control Officer |
| 2806 | Disease Control Investigator |
| 2808 | Senior Disease Control Investigator |

SEC. 267.12. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE. In undertaking the adoption and enforcement of this Chapter, the City is assuming an undertaking only to promote the general welfare. This Chapter is not intended to create any new rights for breach of which the City is liable in money damages to

any person who claims that such breach proximately caused injury. This section shall not be construed to limit or proscribe any other existing rights or remedies possessed by such person.

SEC. 267.13. SEVERABILITY. If any part of this ordinance, or this application thereof, is held to be invalid, the remainder of this ordinance shall not be affected thereby, and this ordinance shall otherwise continue in full force and effect. To this end, the provisions of this ordinance, and each of them, are severable.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Theodore R. Lakey
Deputy City Attorney



Board of Supervisors, San Francisco

| | |
|---|---|
| Passed for Second Reading | Finally Passed |
| June 28, 1993 | July 6, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Maher | Absent: Supervisor Hallinan |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

JUL 16 1993
Date Approved

Mayor

File No.
118-93-1

FILE NO. 121-93-8 ORDINANCE NO. 226-93

[Prohibiting Harassment of Persons Seeking Access to Health Care Facilities]

AMENDING PART II. CHAPTER VIII OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) BY ADDING ARTICLE 43 THERETO, RELATING TO HARASSMENT OF PERSONS SEEKING ACCESS TO HEALTH CARE FACILITIES.

Note: All language is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter VIII of the San Francisco Municipal Code (Police Code) is hereby amended by adding Article 43 thereto, to read as follows:

ARTICLE 43

ACCESS TO HEALTH CARE FACILITIES


Sec. 4301. Findings
Sec. 4302. Definitions
Sec. 4303. Harassment of Persons Seeking Access to Health Care Facilities Prohibited
Sec. 4304. Enforcement
Sec. 4305. City Undertaking Limited to Promotion of General Welfare
Sec. 4306. Article Accommodates Competing Rights
Sec. 4307. Severability


SEC. 4301. FINDINGS

The Board of Supervisors finds that every person in the City and County of San Francisco has a basic and fundamental right to privacy protected by the United States Constitution and explicitly guaranteed in California's Constitution, Article I, Section 1, including the right to seek and obtain all health care services permitted under the laws of this State. Central to this



right is the need to secure access to all reproductive health care services. Access to these services is a matter of critical importance not only to the individual, but also to the health and welfare of all citizens of the City and County. Intentional efforts to harass an individual in order to deter or prevent the individual from exercising his or her right to seek and obtain health care services are therefore contrary to the interests of the people of San Francisco.

The Board of Supervisors finds that for many people seeking access to medical treatment, being forced to run a gauntlet of protestors who intend to deter or impede access to the health care facility can be directly injurious to the patient's health, even if the patient is not physically barred from entry. Other persons may be sufficiently intimidated to put off necessary or timely medical treatment entirely. The Board of Supervisors further finds that protests at the entrance to health care facilities in the City and County of San Francisco have often disrupted the operation of the facilities, as well as the ability of individuals to seek and obtain services within the facilities.

In adopting this legislation, the Board of Supervisors recognizes both the fundamental constitutional right to assemble peaceably and to demonstrate on matters of public concern, as well as the right to seek and obtain health care. The Board of Supervisors finds that law enforcement officers often have difficulty determining when the exercise of the right to protest violates the competing right of those seeking access to health care facilities. The Board of Supervisors further finds that the provisions of this ordinance promote the full exercise of these rights and strike an appropriate accommodation between




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them. The failure of the Board of Supervisors to take steps to accommodate these competing interests may jeopardize the exercise of both privacy and the First Amendment rights.

The Board of Supervisors finds that the buffer zone outside of health care facilities established by this legislation ensures that patients have unimpeded access to medical services without unduly impairing the ability of demonstrators to communicate their message to their intended audience. The buffer zone imposes content-neutral time, place, and manner restrictions, which are tailored to serve a significant government interest, and which leave ample alternative channels of communication.

This ordinance is not intended to create any limited, designated, or general public fora. Rather it is intended to protect those who seek access to health care from conduct which violates their rights.

SEC. 4302. DEFINITIONS

(a) For purposes of this Article, the term "buffer zone" refers to a sphere of protection surrounding an individual seeking access to, passage from, or services within a health care facility, when that individual is within one hundred (100) feet of an exterior wall of a health care facility. The sphere is delineated by an eight (8) foot radius extending in all directions from the individual seeking access to, passage from, or services within the health care facility. For purposes of this section, distance shall be measured from any extension of the body of the individual seeking access to, passage from, or services within the facility to any extension of the body of, or any sign or object held by another person, after the individual



requests to be left alone as described in Section 4303.

(b) For purposes of this Article, the term "health care facility" means a facility licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code, a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, or any facility where medical care is regularly provided to individuals by persons licensed under Division 2 (commencing with Section 500) of the Business and Professional Code, the Osteopathic Initiative Act, or the Chiropractic Initiative Act, provided that said facility provides reproductive health care services.

(c) For purposes of this Article, the term "reproductive health care services" refers to all medical, surgical, counseling and informational services related to the human reproductive system.

(d) For purposes of this Article, the term "person" shall include, but is not limited to: 1) Individuals; 2) corporations; 3) not-for-profit organizations; 4) partnerships; 5) associations; and 6) groups or other entities. The term "person" shall not include an individual seeking access to, passage from, or services within a health care facility and his or her escorts.

SEC. 4303. HARASSMENT OF INDIVIDUALS SEEKING ACCESS TO HEALTH CARE FACILITIES PROHIBITED.

(a) It shall be unlawful for any person to harass, as defined in this Article, or attempt to harass an individual entering, exiting, or seeking care inside a health care facility.

(b) For purposes of this Article, the term "harassment" refers to situations where, within one hundred (100) feet of an exterior wall of a health care facility, a person intentionally fails to maintain a distance of at least eight (8) feet from the individual seeking access to, passage from, or services within the facility, provided that said individual requests withdrawal. This request for withdrawal may be made by a verbal communication, or by carrying or wearing a visible sign clearly requesting withdrawal. Verbal statements or signs displaying words or symbols such as "stop it," "withdraw," "back off," "get away," or "leave me alone" shall be sufficient to constitute a request for withdrawal under this subsection. Mere statements of opinion or disagreement, made in the absence of a request for withdrawal, shall not be sufficient to constitute a request for withdrawal under this subsection. Failure to obey immediately such a request by withdrawing to a distance of at least eight (8) feet shall constitute a violation of this Article.

SEC. 4304. ENFORCEMENT

(a) Any person who violates section 4303 of this Article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail, fine, or both. Upon a first conviction for violation of section 4303, the person shall be imprisoned in the county jail for up to three (3) months, or fined up to five hundred dollars ($500.00), or both. Upon a subsequent conviction for violation of section 4303, the person shall be imprisoned in the county jail for up to six (6) months, or fined up to one thousand dollars ($1000.00), or both.



(b) An aggrieved individual may enforce the provisions of this Article by means of a civil action. Any person who violates any of the provisions of this Article or who aids in the violation of this Article shall be liable to the individual aggrieved for special and general damages, but in no case less than one thousand dollars ($1000.00), plus attorneys' fees and the costs of the action. In addition, punitive damages may be awarded in a proper case.

(c) Nothing in this Article shall preclude any person from seeking any other remedies, penalties or procedures provided by law.

Sec. 4305. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

In undertaking the adoption and enforcement of this Article, the City and County is undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Sec. 4306. ARTICLE ACCOMMODATES COMPETING RIGHTS.

In adopting this legislation, the Board of Supervisors recognizes both the fundamental constitutional right to assemble peaceably and to demonstrate on matters of public concern, as well as the right to seek and obtain health care. This legislation promotes the full exercise of these rights and strikes an appropriate accommodation between them.

It is not the intention of the Board of Supervisors to interfere with the right to protest, including the right to protest conditions of employment, outside of the previously defined buffer zone. Rather it is the intention of

the Board of Supervisors to impose reasonable time, place, and manner restrictions on all protest, to protect the right to seek and obtain health care. This ordinance does not prohibit conduct by a party to a labor dispute in furtherance of labor or management objectives in that dispute.

SEC. 4307. SEVERABILITY

If any part or provision of this Article, or the application thereof to any person or circumstance, is held invalid, the remainder of this Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Article are severable.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney



**Board of Supervisors, San Francisco**

| Passed for Second Reading | Finally Passed |
|---|---|
| June 28, 1993 | July 6, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Maher | Absent: Supervisor Hallinan |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
121-93-8

JUL 16 1993
Date Approved

_____
Mayor

(Special Election)

CALLING AND PROVIDING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY AND COUNTY OF SAN FRANCISCO ON TUESDAY, NOVEMBER 2, 1993, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF THE CITY AND COUNTY OF SAN FRANCISCO PROPOSITIONS TO INCUR THE FOLLOWING BONDED DEBTS OF THE CITY AND COUNTY FOR THE ACQUISITION, CONSTRUCTION OR RECONSTRUCTION BY THE CITY AND COUNTY OF SAN FRANCISCO OF THE FOLLOWING MUNICIPAL IMPROVEMENTS, TO WIT: NINETY-EIGHT MILLION FORTY-FIVE THOUSAND DOLLARS ($98,045,000) FOR THE ACQUISITION, CONSTRUCTION OR RECONSTRUCTION OF CULTURAL FACILITIES, INCLUDING CONSTRUCTION AND RECONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE MAIN LIBRARY FOR THE PURPOSE OF RELOCATING THE ASIAN ART MUSEUM TO SUCH LOCATION, THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE STEINHART AQUARIUM, THE CONSTRUCTION AND RECONSTRUCTION OF CERTAIN IMPROVEMENTS TO FIVE COMMUNITY CULTURAL FACILITIES (MISSION CULTURAL CENTER, BAYVIEW OPERA HOUSE, CENTER FOR AFRICAN AND AFRICAN-AMERICAN ART AND CULTURE--WESTERN ADDITION, SOUTH OF MARKET CULTURAL CENTER AND THE ART COMMISSION GALLERY), THE CONSTRUCTION AND RECONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE PALACE OF FINE ARTS (EXPLORATORIUM), AND ACQUISITION AND CAPITAL IMPROVEMENTS FOR A GAY/LESBIAN CULTURAL CENTER; AND SIXTY-EIGHT MILLION DOLLARS ($68,000,000) FOR THE ACQUISITION, CONSTRUCTION OR RECONSTRUCTION OF CERTAIN IMPROVEMENTS TO STREETS, SIDEWALKS, STREET LIGHTING AND UTILITIES, INCLUDING STREET AND SIDEWALK IMPROVEMENTS, TRAFFIC SAFETY IMPROVEMENTS, STREET LIGHTING IMPROVEMENTS, AND



IMPROVEMENTS FOR THE UNDERGROUNDING OF CERTAIN UTILITIES; AND THAT THE ESTIMATED COST OF SAID MUNICIPAL IMPROVEMENTS IS AND WILL BE TOO GREAT TO BE PAID OUT OF THE ORDINARY ANNUAL INCOME AND REVENUE OF THE CITY AND COUNTY AND WILL REQUIRE EXPENDITURES GREATER THAN THE AMOUNT ALLOWED THEREFOR BY THE ANNUAL TAX LEVY; RECITING THE ESTIMATED COST OF SUCH MUNICIPAL IMPROVEMENTS; FIXING THE DATE OF ELECTION AND THE MANNER OF HOLDING SUCH ELECTION AND THE PROCEDURE FOR VOTING FOR OR AGAINST THE PROPOSITIONS; FIXING THE MAXIMUM RATE OF INTEREST ON SAID BONDS AND PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY BOTH PRINCIPAL AND INTEREST THEREOF; PRESCRIBING NOTICE TO BE GIVEN OF SUCH ELECTION; CONSOLIDATING THE SPECIAL ELECTION WITH THE GENERAL ELECTION; AND PROVIDING THAT THE ELECTION PRECINCTS, VOTING PLACES AND OFFICERS FOR ELECTION SHALL BE THE SAME AS FOR SUCH GENERAL ELECTION.

Be it ordained by the People of the City and County of San Francisco:

Section 1. A special election is hereby called and ordered to be held in the City and County of San Francisco on Tuesday, the 2nd day of November, 1993, for the purpose of submitting to the electors of said City and County propositions to incur bonded indebtedness of the City and County of San Francisco for the acquisition, construction or reconstruction by the City and County of the municipal improvements hereinafter described in the amounts and for the purposes stated:

CULTURAL FACILITIES IMPROVEMENT BONDS, 1993, $98,045,000 for the acquisition, construction or reconstruction of cultural



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facilities, including construction and reconstruction of certain improvements to the Main Library for the purpose of relocating the Asian Art Museum to such location, the acquisition, construction and reconstruction of certain improvements to the Steinhart Aquarium, the construction and reconstruction of certain improvements to five community cultural faciltiies (Mission Cultural Center, Bayview Opera House, Center for African and African-American Art and Culture--Western Addition, South of Market Cultural Center and the Art Commission Gallery), the construction and reconstruction of certain improvements to the Palace of Fine Arts (Exploratorium), and the acquisition and capital improvements for a Gay/Lesbian Cultural Center;

STREET AND TRAFFIC SAFETY IMPROVEMENT BONDS, 1993, $68,000,000 for the acquisition, construction or reconstruction of certain improvements to streets, sidewalks, street lighting and utilities, including street and sidewalk improvements, traffic safety improvements, street lighting improvements, and improvements for the undergrounding of certain utilities.

Section 2. The estimated costs of each of the municipal improvements described in Section 1 hereof were fixed by the Board of Supervisors by the following resolutions and in the amount specified below:

Cultural Facilities Improvement Bonds, 1993, Resolution No. 425-93, $98,045,000; Street and Traffic Safety Improvement Bonds, 1993, Resolution No. 424-93, $68,000,000.



That said resolutions were passed by two-thirds or more of the Board of Supervisors and approved by the Mayor, and in each said resolution it was recited and found that the sums of money specified were too great to be paid out of the ordinary annual income and revenue of the City and County in addition to the other annual expenses thereof or other funds derived from taxes levied for those purposes and will require expenditures greater than the amounts allowed therefor by the annual tax levy.

The method and manner of payment of the estimated costs of the municipal improvements described herein are by the issuance of bonds of the City and County of San Francisco in the principal amounts not to exceed the principal amounts specified.

Said estimates of cost as set forth in said resolutions are hereby adopted and determined to be the estimated costs of said improvements.

Section 3. The special election hereby called and ordered to be held shall be held and conducted and the votes thereat received and canvassed, and the returns thereof made and the results thereof ascertained, determined and declared as herein provided and in all particulars not herein recited said election shall be held according to the laws of the State of California and the Charter of the City and County of San Francisco providing for and governing elections in the City and County of San Francisco, and the polls for such election shall be and remain open during the time required by said laws.

Section 4. The special election hereby called shall be and hereby is consolidated with the General Election of the City and County of San Francisco to be held Tuesday, November 2, 1993, and the voting precincts, polling places and officers of election for said General Election are hereby adopted, established, designated and named, respectively, as the voting precincts, polling places and officers of election for the special election hereby called, and reference is hereby made to the notice of election setting forth the voting precincts, polling places and officers of election for the General Election by the Registrar of Voters to be published in the San Francisco Examiner on or before the date required under the laws of the State of California. The ballots to be used at said special election shall be the ballots to be used at said General Election.

Section 5. On the ballots to be used at such special elections and on the punch card ballots used at said special election, in addition to any other matter required by law to be printed thereon, shall appear thereon the following, to be separately stated, and appear upon the ballot as a separate proposition:

"CULTURAL FACILITIES IMPROVEMENT BONDS, 1993.
To incur a bonded indebtedness of $98,045,000 for certain cultural facilities improvements, including improvements to Asian Art Museum, Steinhart Aquarium, Mission Cultural Center, Bayview Opera House, Center for African and African-American Art and Culture--Western Addition, South



of Market Cultural Center, Art Commission Gallery, Gay/Lesbian Cultural Center and the Palace of Fine Arts (Exploratorium)."

"STREET AND TRAFFIC SAFETY IMPROVEMENT BONDS, 1993.
To incur a bonded indebtedness of $68,000,000 for street, sidewalk, lighting, traffic safety and utility improvements."

Each voter to vote for any of the foregoing propositions hereby submitted and in favor of the issuance of the Bonds shall punch the ballot card in the hole after the word "YES" to the right of said proposition, and to vote against said proposition shall punch the ballot card in the hole after the word "NO" to the right of said proposition. If and to the extent that a numerical system is used at said special election, each voter to vote for any said proposition shall punch the ballot card in the hole after the number corresponding to a "YES" vote for said proposition and to vote against said proposition shall punch the ballot card in the hole after the number corresponding to a "NO" vote for said proposition.

On absentee voter ballots, the voter to vote for any the propositions hereby submitted shall punch the absentee ballot card in the hole after the word "YES" to the right of said proposition, and to vote against said proposition shall punch the

absentee ballot card in the hole after the word "NO" to the right of said proposition. If and to the extent that a numerical system is used at said special election, each voter to vote for any said proposition shall punch the absentee ballot card in the hole after the number corresponding to a "YES" vote for said proposition and to vote against said proposition shall punch the absentee ballot card in the hole after the number corresponding to a "NO" vote for said proposition.

Section 6. If at such special election it shall appear that two-thirds of all the voters voting on the proposition voted in favor of and authorized the incurring of a bonded indebtedness for the purposes set forth in said proposition, then such proposition shall have been accepted by the electors, and bonds shall be issued to defray the cost of the municipal improvements described herein. Such bonds shall bear interest at a rate not to exceed twelve percent (12%) per annum, payable semiannually, except that interest for the first year may be made payable at the end of that year.

The votes cast for and against said respective propositions shall be counted separately and when two-thirds of the qualified electors, voting on such propositions, vote in favor thereof, such proposition shall be deemed adopted.

Section 7. For the purpose of paying the principal and interest on said bonds, the Board of Supervisors shall, at the time of fixing the general tax levy and in the manner for such



general tax levy provided, levy and collect annually each year until such bonds are paid, or until there is a sum in the Treasury of said City and County set apart for that purpose to meet all sums coming due for the principal and interest on said bonds, a tax sufficient to pay the annual interest on such bonds as the same becomes due and also such part of the principal thereof as shall become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of such principal.

Section 8. This ordinance shall be published once a day for at least seven (7) days in the San Francisco Examiner, a newspaper published daily in the City and County of San Francisco, being the official newspaper of said City and County and such publication shall constitute notice of said election and no other notice of the election hereby called need be given.

Section 9. The appropriate officers, employees, representatives and agents of the City and County of San Francisco are hereby authorized and directed to do everything necessary or desirable to the calling and holding of said special election, and to otherwise carry out the provisions of this ordinance.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
VICTOR L. CASTILLO
Deputy City Attorney

Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | § | Finally Passed |
| | § | |
| July 12, 1993 | § | July 19, 1993 |
| | § | |
| | § | |
| Ayes: Supervisors Alioto Bierman | § | Ayes: Supervisors Alioto Bierman |
| Conroy Hallinan Hsieh Kaufman | § | Conroy Hallinan Hsieh Kaufman |
| Kennedy Leal Maher Migden Shelley | § | Leal Maher Migden Shelley |
| | § | |
| | § | Absent: Supervisor Kennedy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
60-93-4

JUL 22 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 27-93-12 ORDINANCE NO. 228-73

CC

(Airport - Lease Modification)

APPROVING MODIFICATION TO THE LEASE FOR INTERNATIONAL TERMINAL DUTY PAID PRINCIPAL CONCESSION LEASE BETWEEN DFS-WEST, A DIVISION OF DFS GROUP L.P. AND CITY AND COUNTY OF SAN FRANCISCO, ACTING BY AND THROUGH ITS AIRPORTS COMMISSION.

BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO:

SECTION 1: Pursuant to Section 7.402-1 of the Charter, the Board of Supervisors hereby approves the Modification to extend Lease No. 82-0304 for the International Duty Paid Principal Concession between DFS-West, a Division of DFS Group L.P. and City and County of San Francisco, acting by and through its Airports Commission, copies of which Modification is contained in Board of Supervisors' file number 27-93-12.

The Lease extension of the "International Duty Paid Principal Concession" to DFS-West was approved by the Airports Commission Resolution No. 93-0100 adopted May 18, 1993.

APPROVED AS TO FORM:

Louise H. Renne
City Attorney

By _____
Deputy City Attorney

Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | $ | Finally Passed |
| July 12, 1993 | $ | July 19, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hsieh Kaufman Kennedy Leal Maher Migden Shelley | $ | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley |
| Absent: Supervisor Hallinan | $ | Absent: Supervisor Kennedy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
27-93-12

JUL 22 1993
Date Approved

_____
Mayor

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FILE NO. 34-93-4 ORDINANCE NO. 229-93

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION 1511 CHANGING THE OFFICIAL WIDTH OF SIDEWALK ON THE NORTHEAST CORNER OF BRANNAN AND EIGHTH STREETS AS SHOWN ON THE DEPARTMENT OF PUBLIC WORKS MAP NUMBERED Q-20-400 AND MAKING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1. Ordinance No. 1061 entitled "Regulating the Width of Sidewalks", be and is hereby amended in accordance with communication filed in the office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1511. The width of sidewalk on the northeast corner of Brannan and Eighth Streets, as shown on Department of Public Works Map Q-20-400.

SECTION 2. The Department of City Planning in its report dated May 6, 1993, declared that the above-described change of official sidewalk width is in conformity with the Master Plan, and made findings of consistency with the Eight Priority Policies of City Planning Code Section 101.1.

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth in findings made by the Department of City Planning, by its letter dated May 6, 1993, that the project intended by the proposed change of official sidewalk width is consistent with the Eight Priority Policies of City Planning Code Section 101.1.



KCA Engineers, as is necessary as a result of this Ordinance, shall make arrangement with public utility companies and City departments for the relocation and/or adjustment of their facilities in the affected sidewalk and street area.

RECOMMENDED:

Director of Public Works

DESCRIPTION APPROVED:

City Engineer

APPROVED:

Chief Administrative Officer

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By

Deputy City Attorney



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cc

Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | $ | Finally Passed |
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| July 12, 1993 | $ | July 19, 1993 |
| | $ | |
| | $ | |
| Ayes: Supervisors Alioto Bierman | $ | Ayes: Supervisors Alioto Bierman |
| Conroy Hallinan Kaufman Kennedy | $ | Conroy Hallinan Hsieh Kaufman |
| Leal Maher Migden Shelley | $ | Leal Maher Migden Shelley |
| | $ | |
| Absent: Supervisor Hsieh | $ | Absent: Supervisor Kennedy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
34-93-4

JUL 22 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 65-93-5 ORDINANCE NO. 230-93

(Lease of Property)

AUTHORIZING SECOND AMENDMENT TO LEASE OF WATER DEPARTMENT LAND IN SAN FRANCISCO AND SAN MATEO COUNTIES WITH THE OLYMPIC CLUB.

WHEREAS, The Public Utilities Commission pursuant to Resolution No. 93-0175 approved the subject amendment to lease, and

WHEREAS, Section 7.402-1 of the charter requires that a lease of real property in excess of ten years or having revenue of at least $1,000,000 shall be subject to approval by ordinance, now therefore

BE IT ORDAINED BY: The People of the City and County of San Francisco:

Section 1: That certain second amendment to lease of approximately 17.35 acres of Water Department land between the City and County of San Francisco, as Lessor, and The Olympic Club, as Lessee, which further amended the initial lease for the purpose of negotiating a new rental rate with an annual base rent of $176,000, including annual adjustments, for the period beginning on August 26, 1989 and ending on August 25, 1996, having been approved pursuant to Public Utilities Commission Resolution No. 93-0175 adopted June 8, 1993, is hereby approved by this board.



A copy of the amendment to lease is on file with the Clerk of the Board of Supervisors.

APPROVED:
PUBLIC UTILITIES COMMISSION

By _____
General Manager

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By _____
Utilities General Counsel



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Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 12, 1993 | July 19, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley |
| | Absent: Supervisor Kennedy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
65-93-5

JUL 22 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 97-93-10 ORDINANCE NO. 231-93

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 16.55-7 THERETO, REGARDING INTERNAL RECIPROCITY OF PENSION BENEFITS WITHIN THE RETIREMENT SYSTEM.

NOTE: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 16, Article IV of the San Francisco Administrative Code is hereby amended by adding Section 16.55-7 to read as follows:

Section 16.55-7 Internal Reciprocity of Pension Benefits Within The Retirement System

(a) When Internal Reciprocity Applies. Subject to the provisions of Charter Section 8.500-1, including but not limited to the effective dates therein, when a person ceases to be a member of the Retirement System under Charter section 8.509, 8.559, 8.584, 8.585, 8.586 or 8.588, or is granted a leave of absence to work in another city position, and then within six (6) months, again becomes a member of the Retirement System under a different set of Charter provisions, this section shall allow such member to receive reciprocal benefits within the Retirement System if the member retires concurrently under all benefit provisions.

(b) Summary of Internal Reciprocity. Reciprocal benefits within the Retirement System shall mean that: (1) all service credit earned within the Retirement System shall be used for



qualification purposes, (2) final compensation shall include compensation earned while a member under any set of Charter provisions and (3) pension benefit calculations shall be pro-rated based on service credit earned and determined according to the provisions and percentages specified under each set of Charter sections.

(c) Procedures. Notwithstanding any provisions of the Retirement System concerning vesting, on and after April 1, 1993, any member whose movement between different sets of Charter provisions occurs as specified in paragraph (a), shall have the right to elect on the form specified by the Retirement System to leave his or her accumulated contributions on deposit irrespective of the amount of such contributions or the length of service. Interest on said accumulated contributions shall continue to accrue at plan rates. If, the member does not qualify for reciprocal benefits or vest, the member shall receive a refund of contributions plus interest.

Members of the retirement system on and after April 1, 1993, who received refunds of pension contributions prior to April 1, 1993 for periods of membership that would otherwise qualify for reciprocity benefits within the Retirement System, may redeposit those contributions plus interest at plan rates at any time before death or retirement, whichever occurs first, and qualify for reciprocity within the Retirement System.

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Members of the Retirement System on and after April 1, 1993, who had periods of City employment prior to becoming members of the Retirement System that would otherwise qualify for reciprocity benefits within the Retirement System, may receive service credit by paying member contributions plus interest at plan rates based on the compensation received during those periods of employment at any time before death or retirement, whichever occurs first, and qualify for reciprocity within the Retirement System.

(d) Final Compensation. Average final compensation shall be based on all compensation earned or earnable by a member during any period of membership under the Retirement System, provided that the member is credited with such period of service at the time of retirement and provided further that pension benefit calculations shall be pro-rated based on service credit earned and determined according to the provisions, including, but not limited to the final compensation provisions, and percentages specified under each set of Charter provisions.

(e) Qualification Purposes. For the sole purpose of meeting minimum service qualifications for benefits and retirement allowances under the Retirement System, service shall include any service credit earned under the Charter provisions of the Retirement System as described in paragraph (a) above.

For police and fire members of the Retirement System, if service credit as defined by Charter sections 8.559-10,



8.585-10, 8.586-10 and 8.588-10 is less than 25 years at the time of retirement, the member shall receive a pro rata portion of the benefit for 25 years of service. Police and fire members of the Retirement System with 25 or more years of service credit with the Retirement System, shall receive police and fire benefits based only on the portion of Retirement System service credit defined by Charter sections 8.559-10, 8.585-10, 8.586-10 and 8.588-10; they shall receive miscellaneous retirement benefits based only on the portion of Retirement System service credit earned under Charter sections 8.509 and 8.584.

(f) Cost-of-living Adjustments. Cost-of-living adjustments for any retirement or death allowance shall be pro-rated based on the member's accrued service credit under Charter sections 8.509, 8.559, 8.584, 8.585, 8.586 or 8.588.

Any retirement or death allowance payable to or on account of a police or fire member of the Retirement System subject to Charter sections 8.559 and 8.585 shall be adjusted in accordance with the provisions of Charter sections 8.559-6 and 8.585-6, provided that any increase or decrease shall be related to the rank or position that said member held for at least one year immediately prior to terminating police or fire service and provided further that if the member's accrued service credit under Charter section 8.559-10 or 8.585-10 is less than 25 years, the Charter section 8.559-6 and 8.585-6 adjustments will be multiplied by a fraction where the denominator is 25 and the

numerator is equal to the member's accrued service credit under Charter section 8.559-10 or 8.585-10.

**(g) Disability Benefits.** When a member is retired for disability, he or she shall receive a disability retirement allowance based on all service credit earned in the retirement system provided that the disability allowance allowed under any earlier set of Charter provisions shall not exceed an amount which when added to the allowance provided under the current set of Charter provisions equals the allowance which would be paid for a non-service connected disability if all the member's service had been credited under the set of Charter provisions in which the member was last active prior to the effective date of his or her disability retirement. If a member is retired for a service connected disability under Charter sections 8.559, 8.585, 8.586 or 8.588, then he or she will be entitled to an additional refund or vesting benefit under the provisions of Charter sections 8.509 or 8.584.

**(h) Death Benefits.** If an active member, under Charter sections 8.559, 8.585, 8.586 or 8.588, dies by reason of an industrial injury or illness, then the death benefit may include the refund of the member's accumulated contributions in the Retirement System relating to service credit under Charter sections 8.509 and 8.584. In all other death cases, the death benefit shall not exceed an amount which equals the death benefit payable had all reciprocal service been rendered under the plan



in which the member was active immediately before the time he or she died.

**(i) Interpretation Consistent With PERS.** Interpretation of this section shall be made consistent with the Charter section 8.500-1 and with reference to interpretations that have been made relative to the reciprocal benefit provisions of the Public Employees' Retirement System and The 1937 County Employees' Retirement Act. This section shall apply to members who transfer solely within the Retirement System as described in paragraph (a) above.

**(j) Concurrent Accrual of Benefits Prohibited.** With the exception of adult hourly credits, members shall not accrue pension benefits concurrently under Charter sections 8.509, 8.559, 8.584, 8.585, 8.586 or 8.588. For internal reciprocity purpose, a person shall be deemed to be an active member under only the set of Charter provisions as determined by his or her pension contributions at the time of any particular pension event.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney
8/16/93

Board of Supervisors, San Francisco

| Passed for Second Reading | § | Finally Passed |
|---|---|---|
| July 12, 1993 | § | July 19, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsien Kaufman Kennedy Leal Maher Migden | § | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley |
| Absent: Supervisor Shelley | § | Absent: Supervisor Kennedy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
97-93-10

JUL 22 1993
Date Approved

Frank M. Jordan
Mayor

amended in committee
7/7/93

CC

FILE NO. 97-93-35

ORDINANCE NO. 232-93

[ESTABLISHMENT OF CASH REVOLVING FUND FOR THE OFFICE OF CITIZEN COMPLAINTS]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 10.169-10 ESTABLISHING A CASH REVOLVING FUND FOR THE OFFICE OF CITIZEN COMPLAINTS IN THE AMOUNT OF ~~$1,000~~ 600.00.

kg
7/7/93

Note: The entire ordinance is new.

Be it ordained by the people of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Section 10.169-10, thereof, to read as follows:

SEC. 10.169-10. CASH REVOLVING FUNDS - OFFICE OF CITIZEN COMPLAINTS; ~~$1,000~~ 600.00.

kg
7/7/93

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

BY Dorothy Dietrich
Deputy City Attorney

2640L/72

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 12, 1993 | July 19, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley |
| Absent: Supervisor Migden | Absent: Supervisor Kennedy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
97-93-35

JUL 22 1993
Date Approved

Frank M. Jordan
Mayor

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FILE NO. 109-93-3 ORDINANCE NO. 233-93

[Rent Ordinance]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 37.2(p)(2) TO EXEMPT FROM CHAPTER 37 DWELLING UNITS SOLELY OWNED BY A NON-PROFIT PUBLIC BENEFIT CORPORATION IN WHICH A MAJORITY OF ITS GOVERNING BODY ARE RESIDENTS OF THE DWELLING UNITS AND WHOSE BYLAWS REQUIRE RENT INCREASES BE APPROVED BY A MAJORITY OF RESIDENTS OF THE DWELLING UNITS.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section. 1. The San Francisco Administrative Code is hereby amended by amending Section 37.2(p)(2) to read as follows:

Sec. 37.2 Definitions.

(a) Base Rent. That rent which is charged a tenant upon initial occupancy plus any rent increase allowable and imposed under this Chapter; provided, however, that base rent shall not include increases imposed pursuant to Section 37.7 below or utility pass throughs pursuant to Section 37.2(o) below. Base rent for tenants of RAP rental units in areas designated on or after July 1, 1977, shall be that rent which was established pursuant to Section 32.73-1 of the San Francisco Administrative Code. Rent increases attributable to the Chief Administrative



Officer's amortization of a RAP loan in an area designated on or after July 1, 1977, shall not be included in the base rent.

(b) Board. The Residential Rent Stabilization and Arbitration Board.

(c) Capital Improvements. Those improvements which materially add to the value of the property, appreciably prolong its useful life, or adapt it to new uses, and which may be amortized over the useful life of the improvement of the buildings.

(d) CPI. Consumer Price Index for all Urban Consumers for the San Francisco-Oakland Metropolitan Area, U.S. Department of Labor.

(e) Energy Conservation Measures. Work Performed pursuant to the requirements of Article 12 of the San Francisco Housing Code.

(f) Hearing Officer. A person, designated by the board, who arbitrates rental increase disputes.

(g) Housing Services. Services provided by the landlord connected with the use or occupancy of a rental unit including, but not limited to, repairs, replacement, maintenance, painting, light, heat, water, elevator service, laundry facilities and privileges, janitor service, refuse removal, furnishings, telephone, parking and any other benefits, privileges or facilities.

(h) Landlord. An owner, lessor, sublessor, who receives or is entitled to receive rent for the use and occupancy of any



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residential rental unit or portion thereof in the City and County of San Francisco, and the agent, representative or successor of any of the foregoing.

(i) Member. A member of the Residential Rent Stabilization and Arbitration Board.

(j) RAP. Residential Rehabilitation Loan Program (Chapter 32, San Francisco Administrative Code).

(k) RAP Rental Units. Residential dwelling units subject to RAP loans pursuant to Chapter 32, San Francisco Administrative Code.

(l) Real Estate Department. A city department in the City and County of San Francisco.

(m) Rehabilitation Work. Any rehabilitation or repair work done by the landlord with regard to a rental unit, or to the common areas of the structure containing the rental unit, which work was done in order to be in compliance with State or local law, or was done to repair damage resulting from fire, earthquake or other casualty or natural disaster.

(n) Rent. The consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of a rental unit, or the assignment of a lease for such a unit, including but not limited to monies demanded or paid for parking, furnishings, food service, housing services of any kind, or subletting.

/ / /



(o) Rent Increases. Any additional monies demanded or paid for rent as defined in item (m) above, or any reduction in housing services without a corresponding reduction in the monies demanded or paid for rent; provided, however, that where the landlord has been paying the tenant's utilities and cost of those utilities increase, the landlord's passing through to the tenant of such increased costs does not constitute a rent increase.

(p) Rental Units. All residential dwelling units in the City and County of San Francisco together with the land and appurtenant buildings thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. The term shall not include:

(1) Housing accommodations in hotels, motels, inns, tourist houses, rooming and boarding houses, provided that at such time as an accommodation has been occupied by a tenant for thirty-two (32) continuous days or more, such accommodation shall become a rental unit subject to the provisions of this Chapter; provided further, no landlord shall bring an action to recover possession of such unit in order to avoid having the unit come within the provisions of this Chapter. An eviction for a purpose not permitted under Sec. 37.9(a) shall be deemed to be an action to recover possession in order to avoid having a unit come within the provisions of this Chapter;

/ / /

(2) Dwelling units in non-profit cooperatives owned, occupied and controlled by a majority of the residents ((;)) or dwelling units solely owned by a non-profit public benefit corporation governed by a board of directors the majority of which are residents of the dwelling units and where it is required in the corporate by-laws that rent increases be approved by a majority of the residents.

(3) Housing accommodations in any hospital, convent, monastery, extended care facility, asylum, non-profit home for the aged, or in dormitories owned and operated by an institution of higher education, a high school, or an elementary school;

(4) Dwelling units whose rents are controlled or regulated by any government unit, agency or authority, excepting those unsubsidized and/or unassisted units which are insured by the United States Department of Housing and Urban Development; provided, however, that units in unreinforced masonry buildings which have undergond seismic strengthening in accordance with Building Code Chapters 14 and 15 shall remain subject to the Rent Ordinance to the extent that the Ordinance is not in conflict with the seismic strenthening bond program or with the program's loan agreements or with any regulations promulgated thereunder;

(5) Owner-occupied buildings containing four (4) residential rental units or less, wherein owner has resided for at least six continuous months;

/ / /



(6) Rental units located in a structure for which a certificate of occupancy was first issued after the effective date of this ordinance, except as provided in Section 37.9A(b) of this chapter.

(7) Dwelling units in a building which has undergone substantial rehabilitation after the effective date of this ordinance; provided, however, that RAP rental units are not subject to this exemption.

(q) Substantial Rehabilitation. The renovation, alteration or remodeling of residential units of 50 or more years of age which have been condemned or which do not qualify for certificates of occupancy or which require substantial renovation in order to conform the building to contemporary standards for decent, safe and sanitary housing. Substantial rehabilitation may vary in degree from gutting and extensive reconstruction extensive improvements that cure substantial deferred maintenance. Cosmetic improvements alone such as painting, decorating and minor repairs, or other work which can be performed safely without having the unit vacated do not qualify as substantial rehabilitation.

(r) Tenant. A person entitled by written or oral agreement, sub-tenancy approved by the landlord, or by sufferance, to occupy a residential dwelling unit to the exclusion of others.

/ / /



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(s) Utilities. The term "utilities" shall refer to gas and electricity exclusively.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney



Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 12, 1993 | July 19, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley |
| Absent: Supervisor Hsieh | Absent: Supervisor Kennedy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
109-93-3

JUL 22 1993
Date Approved

_____
Mayor

FILE NO. 117-93-1 ORDINANCE NO. 234-93

[LIEN PROCEEDINGS-ADMINISTRATIVE COSTS]

AMENDING PART II, CHAPTER IV OF THE SAN FRANCISCO MUNICIPAL CODE (FIRE CODE) BY ADDING SECTION 4.209 THERETO, TO AUTHORIZE THE FIRE DEPARTMENT 1) COLLECT DELINQUENT FEES THROUGH THE PERFECTION OF A LIEN.

NOTE: This section is entirely new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter IV of the San Francisco Municipal Code (Fire Code) is hereby amended by adding Section 4.209 thereto, to read as follows:

SEC. 4.209. Whenever this code authorizes the Fire Department to collect delinquent fees and penalties through the perfection of a lien, the lien shall include the administrative costs incurred by the Fire Department in pursuing collection up to the recordation of the lien. The notice of the lien proceeding shall include the amount of delinquent fees, penalties, interest and departmental administrative costs that are to become part of the lien.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Deputy City Attorney

4/20/93

4463q
BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 12, 1993 | July 19, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley |
| Absent: Supervisor Shelley | Absent: Supervisor Kennedy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 117-93-1

JUL 22 1993
Date Approved

Mayor

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(Use of Parking Meter Funds)

AMENDING SECTION 213 OF PART II, CHAPTER XI, OF THE SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) TO CREDIT $8,000,000 OF PARKING METER COLLECTIONS TO THE GENERAL FUND IN FISCAL YEAR 1993-94.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Section 213 of Part II, Chapter XI, of the San Francisco Municipal Code (Traffic Code) is hereby amended to read as follows:

**SEC. 213 USE OF PARKING METER FUNDS -- CREATION OF OFF-STREET PARKING FUND.** Coins deposited in parking meters shall be collected by the Director of Parking and Traffic and deposited in the Treasury of the City and County of San Francisco.

All moneys in excess of $1,500,000 so deposited during any fiscal year shall be credited to a special fund to be known as the "Off-Street Parking Fund," except that commencing with fiscal year 1987-88 all monies in excess of $3,000,000 so deposited shall be credited to said Off-Street Parking Fund, except that commencing with fiscal year 1988-89 all monies in excess of $6,000,000 so deposited shall be credited to said Off-Street



Parking Fund, and except that in fiscal ((year)) years 1992-93 and 1993-94 all monies in excess of $8,000,000 so deposited shall be credited to the Off-Street Parking Fund. All net revenues received from off-street City owned parking facilities leased by City to private operators, costs of which facilities were paid for them from the Off-Street Parking Fund, and those facilities listed in Subsection (a) below, limited to the period provided in that Subsection (a), also shall be credited to such Off-Street Parking Fund irrespective of whether such facilities are operated with or without meters.

Subject to the restrictions provided in this Section and any prior legally binding obligations, said special fund is hereby created for the purpose of financing the San Francisco Off-Street Parking Program, including, but not limited to, capital outlays expenditures for the acquiring, constructing, completing and leasing of public parking lots, storage space, garages, single- or multi-level structures, and other off-street parking facilities on, under, or above the surface of any property, including public parks, squares, lands, easements or rights-of-way to be acquired by purchase or condemnation, together with buildings, structures, equipment, approach roads, entrances, exits, fencing, off-street parking meters, and other works, property or structures for the accommodation of automotive vehicles, and necessary or convenient for adequate parking facilities to relieve congestion, facilitate, regulate and



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control traffic within the City and County of San Francisco. Said special fund may also be used to finance the cost of engineering and construction of on-street parking bays in parking meter districts in neighborhood commercial districts, by sidewalk narrowing after the appropriate legislation has been approved by the Board of Supervisors.

In the accomplishment of the said purpose, the use of said monies deposited in said special fund shall be restricted to:

(a) All net revenues received by the City from the operation of the Sutter-Stockton Garage from fiscal years 1985-86 through 1989-90 inclusive, the St. Mary's Garage except for that portion dedicated to the Recreation and Park Department, Seventh and Harrison Parking Plaza and the Marshall Square Parking Plaza, shall be dedicated to the financing of public off-street parking facilities in or near neighborhood commercial districts, except that such revenues may further be used to reimburse accounts which have advanced funds for purposes of financing public off-street parking facilities in or near neighborhood commercial districts;

(b) All net revenues received from public off-street parking facilities financed pursuant to Subsection (a) above, shall be dedicated to the maintenance of existing and the financing of new public off-street parking facilities in or near neighborhood commercial districts;



(c) The payment of the costs of engineering and related studies and surveys;

(d) The payment of the costs, operation and maintenance of parking facilities and related structures hereafter acquired or constructed as aforesaid, including the payment of possessory interest taxes required by any agreement authorized by the Board of Supervisors;

(e) The sole pledge for the servicing of past or future indebtedness incurred by the issuance of bonds or other instruments by or on behalf of the City and County of San Francisco for the acquisition, construction and completion of off-street parking facilities;

(f) The sole additional pledge augmenting a pledge of revenue from off-street parking facilities for the servicing of past or future indebtedness incurred by the issuance of revenue bonds or other revenue instruments by or on behalf of the City and County of San Francisco for the acquisition, construction and completion of off-street parking facilities;

(g) Payment of the cost of engineering and construction of on-street parking bays in commercial and residential-commercial combined districts and in parking meter districts in neighborhood shopping districts by sidewalk narrowing and necessary related activities after any appropriate legislation has been approved by the Board of Supervisors;

(h) Administrative and operating expenses of Department of

Parking and Traffic, the Parking and Traffic Commission and the Parking Authority of the City and County of San Francisco;

(i) Payment to the General Fund, for traffic regulation and control, of amounts remaining in said special fund after making provision for the requirements under (a), (b), (c), (d), (e), (f), (g) and (h) hereof.

The monies in said special fund shall be set aside for the aforesaid purposes upon recommendation by the Parking and Traffic Commission of the City and County of San Francisco and appropriation thereof by the Board of Supervisors pursuant to the budget and fiscal provisions of the Charter.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: LAWRENCE A. WAYTE
Deputy City Attorney



CC

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 12, 1993 | July 19, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley |
| Absent: Supervisor Migden | Absent: Supervisor Kennedy |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
124-93-4

JUL 22 1993
Date Approved

Mayor

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## E R R A T A

To correct duplicate ordinance numbers. Ordinance No. 227-93 was assigned to two separate files a)File No. 60-93-4 and b)File 123-93-1. The product of File 60-93-4 concerning a Bond Election shall remain Ordinance No. 227-93. The duplicate ordinance concerning Cafe Tables and Chairs has been renumbered as follows:

File 123-93-1, Ordinance No. 236-93.

John L. Taylor
Clerk of the Board
August 6, 1993





(Cafe Tables and Chairs)

AMENDING THE SAN FRANCISCO PUBLIC WORKS CODE, ARTICLE 5.2, BY DELETING SECTIONS 176 THROUGH 182 INCLUSIVE, BY ADDING NEW SECTIONS 176 THROUGH 176.9 THERETO, AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS TO ISSUE SIDEWALK CAFE PERMITS; REQUIRING OWNERS OR OPERATORS OF BUSINESS ESTABLISHMENTS SEEKING TO OCCUPY A PORTION OF A PUBLIC SIDEWALK, COURT, ALLEY OR STREET WITH TABLES AND CHAIRS FOR CUSTOMERS TO OBTAIN A CAFE TABLES AND CHAIRS PERMIT; AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS TO ESTABLISH GUIDELINES FOR CAFE TABLES AND CHAIRS; REQUIRING PERMIT APPLICANTS TO POST NOTICE OF INTENT TO PLACE CAFE TABLES AND CHAIRS ON THE BUSINESS PREMISES; ESTABLISHING PROCESS FOR PROTEST AND APPEAL OF DENIAL OF PERMIT; SETTING CONDITIONS AND RESTRICTIONS ON PERMITS; PROVIDING FOR SUSPENSION OR REVOCATION OF PERMITS; ESTABLISHING PENALTIES AND REMEDIES FOR FAILURE TO COMPLY WITH SAID ARTICLE.

NOTE: Additions or substitutions are <u>underlined</u>; deletions are in ((double parentheses)); Sections 176 through 176.9 of the Public Works Code are new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Public Works Code, Article 5.2, is hereby amended by deleting Sections 176 through 182 in their entirety as follows:

/ / /



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((SEC. 176. AUTHORITY TO ISSUE PERMITS. The Director of Public Works is hereby authorized and empowered to issue revocable permits for the placement of tables and chairs in public sidewalk or roadway areas in front of business establishments. In determining the issuance of such permits, the Director of Public Works shall consider the convenience and necessity of pedestrians, property owners, occupants, tenants or of offices, stores or shops in the vicinity, the dimensions of the public sidewalk or roadway areas, location of nearby fire hydrants and similar factors.))

((SEC. 177. APPLICATION FOR PERMIT. Each application for a permit to place tables and chairs in front of a business establishment shall state the name of the applicant, the name and address of his establishment, the approximate area to be occupied by the tables and chairs and the hours that the said area is to be so occupied. Each application must be accompanied by a check or money order in the amount of $322 payable to the Department of Public Works of the City and County of San Francisco to pay the cost of investigation and processing and a drawing showing the locations, the number and the arrangement of tables and chairs, the size or sizes of tables to be used, and the approximate area to be occupied by the tables and chairs.))

((SEC. 178. INVESTIGATION AND INSPECTION -- RULES AND REGULATIONS. The Director of Public Works shall make all investigations and inspections necessary to the issuance of permits and shall have the power and authority to adopt and enforce such



rules and regulations necessary for the protection of public interest.))

((SEC. 179. PERMIT -- PERMIT FEE. No owner or operator of a business establishment shall occupy any portion of a public sidewalk or roadway with tables and chairs for the convenience of his customers without first obtaining a permit to do so and paying the fees for said permit in accordance with the provisions of the Article. The fee for such a permit shall be $360 a year. The permit fee shall be paid quarterly, in advance, by permittees with tables and chairs permits granted under this Article as well as those granted under Section 786 of the Public Works Code.))

((SEC. 180. CONDITIONS AND RESTRICTIONS. The issuance of permits and the maintenance of tables and chairs in front of business establishments by the permittees shall be subject to the following conditions and restrictions:

(1) Tables, chairs and customers shall be confined to the area shown on the drawing submitted by the permittee;

(2) Food trays or carts, receptacles for waste and dirty dishes, trays or carts for linen and utensils, and cooking appliances shall not be placed or stored on any portion of the sidewalk or roadway area of a public street;

(3) All tables and chairs shall be promptly removed from the area at the end of each business day at the hour stipulated in the permit;

/ / /

(4) The permittee shall maintain the tables, chairs and area in a clean condition at all times;

(5) The permittee shall keep the sidewalk area not occupied by tables and chairs free of obstructions at all times;

(6) Encroachment upon any portion of the public sidewalk or roadway area in front of a business establishment by tables and chairs must be in conformity with the Master Plan;

(7) There shall be no liability on the City or upon any of its officers, agents or employees for any damage sustained by the permittee from any cause whatsoever;

(8) Each permittee shall, at his own expense, maintain in full force and effect an insurance policy or policies issued by an insurance company or companies satisfactory to the City's Controller and written by an insurance company or companies having a policyholders surplus of at least $20,000,000. Policy or policies shall afford liability insurance covering all operations, including but not limited to premises, products, personal injuries and automobiles and injury to property for single limit of not less than $1,000,000 applying to bodily injuries, personal injuries and property damage or a combination of such injuries Said policy or policies shall include the City and County of San Francisco and its officers and employees jointly and severally as additional insureds and shall apply as primary insurance and shall stipulate that no other insurance effected by the City and County of San Francisco will be called on to contribute to a loss covered hereunder. Said



policy or policies shall provide 30 days notice to Controller, City and County of San Francisco, Room 109, City Hall, if the policy or policies should be cancelled or materially changed;

(9) An Assignment or sale of a permit issued under this Article is prohibited;

(10) Sidewalk or roadway area shall not be painted, landscaped or altered in any way without prior written approval of the Director of Public Works;

(11) Permit does not constitute a deed or grant of an easement by the City and is revocable at any time at the will of the Board of Supervisors.))

((SEC. 181. SUSPENSION OR REVOCATION OF PERMIT. Permission to encroach upon a portion of a public sidwalk or roadway with tables and chairs granted under this Article shall be subject to the suspension or revocation by the Director of Public Works when the permittee violates any of the restrictions and conditions set forth in Section 180 of this Article, or any rule or regulation of the Director of the Department of Public Works adopted in pursuance of the provisions of Section 178 of this Article. Said permission shall be automatically terminated upon the termination of the insurance stipulated under Section 180 of this Article.))

((SEC. 182. DENIAL OF PERMIT. Upon denial of a permit by the Director of Public Works, an applicant may file a notice of appeal to the Board of Permit Appeals.))

/ / /

Section 2. The San Francisco Public Works Code, Article 5.2, is hereby amended by adding new Sections 176 through 176.9 thereto to read as follows:

SEC. 176. CAFE TABLES AND CHAIRS -- PERMIT REQUIRED. No owner or operator of a business establishment shall occupy any portion of a public sidewalk, court, alley or street with tables and chairs without first obtaining a cafe tables and chairs permit in accordance with the provisions of this Article. Any business owner or operator occupying any portion of a public sidewalk, court, alley or street with cafe tables and chairs without a permit as required by this Article shall be subject to fines and penalties as provided in Sections 176.8 and 176.9 of this Article.

SEC. 176.1. AUTHORITY TO ISSUE PERMITS; APPROVED GUIDELINES. The Director of Public Works or his or her designated representative is hereby authorized and empowered to issue cafe tables and chairs permits, revocable at will, to owners or operators of business establishments for the placement of cafe tables and chairs in the public sidewalk, court, alley or street adjacent to said business establishments, according to the procedures set forth in this Article.

The Director of Public Works shall approve and adopt guidelines for the design and placment of permitted cafe tables and chairs.

SEC. 176.2. APPLICATION FOR PERMIT. Every owner or operator of a business establishment desiring to place cafe tables and chairs



in a public sidewalk, court, alley or street shall first submit an application for a cafe tables and chairs permit to the Department of Public Works. Each such application shall state the name of the applicant, the name and address of the establishment, the proposed area to be occupied by the tables and chairs and the hours and days that the area is to be so occupied, and shall be accompanied by a fully dimensioned space-use plan showing the locations, number and arrangement of tables and chairs, the size of cafe tables and chairs to be used, the proposed size and locations of the pedestrian diverters planned to demarcate the occupied area, the location of the entrance to the establishment, the locations of fire exits or fire escapes, and the nature and location of any existing sidewalk obstructions.

SEC. 176.3. NOTICE OF INTENT. Following the filing of the application for a cafe tables and chairs permit, the permit applicant shall post a Notice of Intent to Place Cafe Tables and Chairs on the business premises according to the requirements set forth in this Section.

Contents of Notice. The form for Notice of Intent to Place Cafe Tables and Chairs shall be provided to each applicant by the Department of Public Works. Said notice shall include a description of the proposed cafe tables and chairs and the procedure for obtaining any additional information and for filing any protest or opposition to the proposed cafe tables and chairs.

/ / /

Posting of Notice. The Notice of Intent to Place Cafe Tables and Chairs shall be posted in a conspicuous location in a window or other readily visible location on the frontage of the applicant's business establishment for 10 calendar days. The notice shall be protected from the weather as necessary and shall be clearly visible from the public sidewalk, court, alley or street and not obstructed by awnings, landscaping, or other impediments.

SEC. 176.4. ISSUANCE OF PERMIT; APPLICATION FOR VARIANCE. If after 10 calendar days following posting of the Notice of Intent to Place Cafe Tables and Chairs, the Department of Public Works has received no protest or opposition to the proposed cafe tables and chairs and the proposed design and location of the cafe tables and chairs, as described in the application, conforms to the guidelines set forth by the Director of Public Works, or if applicant receives a variance to the guidelines, the Director of Public Works shall issue a cafe tables and chairs permit to the applicant.

No permit issued under the provisions of this Section shall become effective until the permit applicant has signed the permit and has delivered to the Department of Public Works proof if insurance to the limits required by Section 176.5 of this Article and has paid a street/sidewalk occupancy fee which shall be calculated by applying a rate of $3 per seat per month, but which shall be no less than $100 annually nor shall said fee exceed a maximum of $360 annually.

/ / /



If the application submitted does not meet the guidelines established by the Director of Public Works for approved cafe tables and chairs, the applicant may apply for special review and approval of the proposed cafe tables and chairs permit. The Department of Public Works shall then submit the application to the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) for special review.

SEC. 176.5. CONDITIONS AND RESTRICTIONS. The issuance of permits by the Director of Public Works and the maintenance of tables and chairs in front of business establishments by the permittees shall be subject to the guidelines set forth by the Director of Public Works and following conditions and restrictions:

(1) Neither the City or County nor any of its officers, agents or employees shall be liable for any damages, claims or liability resulting to persons or property arising from the permittee's operation of the cafe tables and chairs;

(2) Each permittee shall, at his or her own expense, maintain in full force and effect an insurance policy or policies issued by an insurance company or companies satisfactory to the City's Controller and Risk Manager and written by an insurance company or companies having a policyholders surplus of at least $20,000,000. Said policy or policies shall afford liability insurance covering all operations, including but not limited to premises, products, personal injuries and automobiles and injury to property for single limit of not less than $1,000,000 applying to bodily injuries,

personal injuries and property damage or a combination of such injuries. Said policy or policies shall include the City and County of San Francisco and its officers and employees jointly and severally as additional insureds and shall apply as primary insurance and shall stipulate that no other insurance effected by the City and County of San Francisco will be called on to contribute to a loss covered hereunder. Said policy or policies shall provide 30 days notice to Controller, City and County of San Francisco, Room 109, City Hall, if the policy or policies should be cancelled or materially changed;

(3) An assignment or sale of a permit issued under this Article is prohibited.

SEC. 176.6. PERMIT NOT DEED OR EASEMENT; SUSPENSION OR REVOCATION OF PERMIT. Permission to encroach upon a portion of a public sidwalk or roadway with cafe tables and chairs granted under this Article shall not constitute a deed or grant of an easement by the City and County and shall be subject to the suspension or revocation by the Director of Public Works when the permittee violates any of the restrictions and conditions set forth in Section 176.5 of this Article, or any rule or regulation of the Director of the Department of Public Works adopted in pursuance of the provisions of this Article. Said permission shall be automatically terminated upon the termination of the insurance stipulated under Section 176.5 of this Article.

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SEC. 176.7. APPEAL OF PROTEST OR DENIAL OF PERMIT. Any person or persons who deem their interests or property or that of the general public will be adversely affected by the occupancy of a public sidewalk, court, alley or street with cafe tables and chairs for which permission has been applied for under the provisions of this Article, may protest the issuance of said cafe tables and chairs permit by writing to the Director of Public Works within ten (10) calendar days from the date of posting of the Notice of Intent to Place Cafe Tables and Chairs as required under Section 176.3 of this Article. Upon receipt of any such written protest, the Director of Public Works will schedule a public hearing to hear all protests or oppositions to the issuance of the cafe tables and chairs permit.

Upon denial of a permit by the Director of Public Works, an applicant may, within fifteen (15) calendar days following notification of such denial, file a notice of appeal to the Board of Permit Appeals, who shall then hear all appeals concerning the application for permit.

SEC. 176.8. PENALTIES; OTHER REMEDIES. (a) The placement of tables and chairs on a public sidewalk or other public right-of-way without a permit in compliance with Sections 176 through 176.4 of this Article shall constitute an infraction punishable by a fine of $100. The nonpayment of such fine, or the continued existence of a condition in violation of this Article, shall be grounds for the Director of Public Works to prohibit placement of tables and chairs

by the responsible owner or operator of the fronting business establishment until such penalty has been paid or the condition corrected.

SEC. 176.9. REMOVAL OF TABLES AND CHAIRS. Any tables and chairs placed in public sidewalk or roadway areas without a validly issued permit may be seized and removed pursuant to this Section. Before any tables and chairs are seized, the owner or operator of the business establishment fronting on the sidewalk from which the tables and chairs are to be removed shall be notified and given ten (10) business days in which to remedy the violation. If the responsible party does not remedy the violation and apply for and obtain a cafe tables and chairs permit within the time presribed, the City may seize and remove the tables and chairs.

Any other provisions of this Article notwithstanding, if any cafe tables and chairs are place in public sidewalk or roadway areas in such a place or manner as to pose an immediate and serious danger to persons or property, the City may seize such tables and chairs without prior notice to the person responsible for such tables and chairs if it is impractical to remedy the danger by moving the tables and chairs to another point on the sidewalk or public right-of-way. The responsible party shall be notified promptly of such seizure and shall have the right to request an informal hearing before a designated City official within ten business days after such notification to determine whether the seizure was proper. Any

/ / /



tables and chairs seized pursuant to this Section shall be retained by the City and may be recovered as provided herein.

Seized cafe tables and chairs shall be retained by the City and County and may be recovered by the responsible party for a period of at least ten (10) business days following seizure.

As a condition of recovering any cafe tables and chairs properly seized pursuant to this Section, the person responsible for such cafe tables and chairs shall pay an impound fee covering the actual cost to the City of transporting and storing such cafe tables and chairs.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
JULIA TEN EYCK
Deputy City Attorney

Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | $ | Finally Passed |
| | $ | |
| July 6, 1993 | $ | July 12, 1993 |
| | $ | |
| | $ | |
| Ayes: Supervisors Alioto Bierman Conroy Hsieh Kaufman Kennedy Leal Migden Shelley | $ | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley |
| | $ | |
| Noes: Supervisor Maher | $ | Noes: Supervisor Maher |
| | $ | |
| Absent: Supervisor Hallinan | $ | |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
123-93-1

JUL 16 1993

Date Approved

Mayor

FILE NO. 96-93-2 ORDINANCE NO. 237-93

[Authorizing Sale of Surplus Property]

**AUTHORIZING AND DIRECTING THE SALE OF SURPLUS CITY-OWNED PROPERTY KNOWN AS ASSESSOR'S BLOCK 1260, LOT 22; ASSESSOR'S BLOCK 2713, LOT 10; AND ASSESSOR'S BLOCK 5067, LOT 3 AND ADOPTING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1.**

Be It Ordained by the People of the City and County of San Francisco:

SECTION 1. In accordance with the recommendation of the Director of Public Works and the Director of Property, the Board of Supervisors hereby declares that the public interest and necessity require the sale at public auction, of the following described City-owned properties, all located within the City and County of San Francisco:

Lot 22 in Assessor's Block 1260, consisting of 854± square feet as shown on the map marked Exhibit "A" on file with the Clerk of the Board of Supervisors.

Lot 10 in Assessor's Block 2713, consisting of 2,800± square feet as shown on the map marked Exhibit "B" on file with the Clerk of the Board of Supervisors.

Lot 3 in Assessor's Block 5067, consisting of 14,400± square feet as shown on the map marked Exhibit "C" on file with the Clerk of the Board of Supervisors.

SECTION 2. Said property is no longer required for municipal purposes and the Department of City Planning reported on June 14, 1993 that the sale of Lot 22 in Assessor's Block 1260 is in conformity with the Master Plan, exempt from Environmental Review, and consistent with the Eight Priority Policies of Planning Code Section 101.1; and Department of City Planning reported on





February 16, 1993 that the sale of Lot 10 in Assessor's Block 2713 and Lot 3 in Assessor's Block 5067 are in conformity with the Master Plan, exempt from Environmental Review, and consistent with the Eight Priority Policies of Planning Code Section 101.1, which reports are on file with the Clerk of the Board of Supervisors.

SECTION 3. The Board of Supervisors adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Department of City Planning that these sales are in conformity with the City's Master Plan and consistent with the Eight Priority Policies of City Planning Code Section 101.1.

RECOMMENDED:

Director of Public Works

APPROVED:

Director of Property

APPROVED AS TO FORM:
Louise H. Renne, City Attorney

By Deputy City Attorney

RH:k:\C:\WP51\DATA\SSURP510.LEO

[Real Estate]



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Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | § | Finally Passed |
| | § | |
| July 19, 1993 | § | July 26, 1993 |
| | § | |
| | § | |
| Ayes: Supervisors Alioto Bierman | § | Ayes: Supervisors Alioto Bierman |
| Conroy Hallinan Hsieh Kaufman | § | Hallinan Hsieh Kaufman Kennedy |
| Leal Maher Migden Shelley | § | Leal Migden Shelley |
| | § | |
| Absent: Supervisor Kennedy | § | Absent: Supervisors Conroy Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

AUG 4 1993

Clerk

File No.
96-93-2

Aug. 4, 1993
Date Approved

Mayor

As amended in committee
7/14/93

FILE NO. 97-93-39 ORDINANCE NO. 238-93

[Amending Sanctuary Ordinance To Provide For Reporting Of Persons In Custody For Commission Of Felonies.]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING CHAPTER 12H, SECTION 12H.2-1 THEREOF, WHICH PROHIBITS USE OF CITY AND COUNTY RESOURCES TO ASSIST IN ENFORCEMENT OF FEDERAL IMMIGRATION LAWS, TO PERMIT IDENTIFYING AND REPORTING IN CERTAIN CIRCUMSTANCES PERSONS WHO ARE IN CUSTODY AFTER BEING BOOKED FOR THE ALLEGED COMMISSION OF A FELONY.

kg
7/14/93

Note: Additions are indicated by underlining.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Chapter 12H, Section 12H.2-1, thereof which shall read as follows:

SEC. 12H.2-1.

Nothing in this Chapter shall prohibit, or be construed as prohibiting, a law enforcement officer from identifying and reporting any person pursuant to state or federal law or regulation who is in custody after being booked for the alleged commission of a felony and is suspected of violating the civil provisions of the immigration laws.

In addition, nothing ((Nothing)) in this Chapter shall preclude any City and County department, agency, commission, officer or employee from (a) reporting information to the INS regarding an individual who has been booked at any county jail facility, and who has previously been convicted of a felony committed in violation of the laws of the State of California, which is still considered a felony under state law; (b) cooperating with an INS request for information regarding an individual who has been convicted of a felony committed in violation of the laws of the State of California, which is still considered a felony under state law; or (c) reporting information as required by federal or state statute, regulation or court decision, regarding an individual who has been convicted of a felony committed in violation of the laws of the State of California, which is still considered a felony under state law. For purposes of this Section, an individual has been "convicted" of a felony when: (a) there has been a conviction by a court of competent jurisdiction; and (b) all direct appeal rights have been exhausted or waived; or (c) the appeal period has lapsed.

However, no officer, employee or law enforcement agency of the City and County of San Francisco shall stop, question, arrest or detain any individual solely because of the individual's national origin or immigration status. In addition, in deciding whether to report an individual to the INS under the circumstances described in this Section, an officer, employee or law enforcement agency of the City and County of San Francisco shall not discriminate among individuals on the basis of their ability to speak English or perceived or actual national origin.



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This Section shall not apply in cases where an individual is arrested and/or convicted for failing to obey a lawful order of a police officer during a public assembly or for failing to disperse after a police officer has declared an assembly to be unlawful and has ordered dispersal.

Nothing herein shall be construed or implemented so as to discourage any person, regardless of immigration status, from reporting criminal activity to law enforcement agencies.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney



Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 19, 1993 | July 26, 1993 |
| Ayes: Supervisors Conroy Hsieh Kaufman Leal Maher Migden Shelley | Ayes: Supervisors Conroy Hsieh Kaufman Kennedy Migden Shelley |
| Noes: Supervisors Alioto Bierman Hallinan | Noes: Supervisors Alioto Bierman Hallinan Leal |
| Absent: Supervisor Kennedy | Absent: Supervisor Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
97-93-29

AUG 4 1993
Aug. 4, 1993
Date Approved

Frank M. Jordan
Mayor

[Ban on the Sale of Knives to Minors]

AMENDING ARTICLE 17 OF THE SAN FRANCISCO POLICE CODE BY ADDING THERETO SECTION 1293, TO PROHIBIT THE SALE OR TRANSFER OF ALL TYPES OF KNIVES TO MINORS OTHER THAN BY PARENTS OR GUARDIANS, EXCEPT FOR TABLE KNIVES AND KNIVES CURRENTLY PROHIBITED FROM SALE UNDER STATE LAW; AND ESTABLISHING PENALTIES FOR VIOLATION OF THIS SECTION.

NOTE: This entire Section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 17 of the San Francisco Police Code is hereby amended by adding thereto Section 1293 to read as follows:

SEC. 1293. PROHIBITING THE SALE OR TRANSFER OF KNIVES TO MINORS OTHER THAN BY PARENTS OR GUARDIANS, EXCEPT FOR TABLE KNIVES AND KNIVES CURRENTLY PROHIBITED FROM SALE UNDER STATE LAW; PENALTIES FOR VIOLATION OF THIS SECTION.

(a) Definitions. "Knife" includes, but is not limited to: any instrument with a cutting blade, made of steel or other similar durable cutting surface, capable of inflicting bodily harm.

(b) Ban on the Sale of Knives to Minors. Nothwithstanding any provision of this Article to the contrary or any type of knife



already proscribed under California Penal Code sections 653(k) and 12020(a), no person shall knowingly sell, offer for sale, expose for sale or transfer to any minor, any type of knife as defined in Subsection (a), other than table knives. This prohibition shall not apply to the sale or transfer of knives defined in Subsection (a) by a parent or guardian to their own child.

(c) Penalties. Any person violating any provision of this Article shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not less than $125 or more than $250 for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than $500 or more than $600 for each provision violated or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. In any accusatory pleading charging a violation of this Article, if the defendant has been previously convicted of a violation of this Article, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Article a second time within a thirty day period shall be guilty of a misdemeanor and shall



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be punished by a fine of not less than $650 and not more than $750 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this Article a third time, and each subsequent time, within a thirty day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than $750 and not more than $1000 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney



Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 19, 1993 | July 26, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley |
| Absent: Supervisor Kenhedy | Absent: Supervisor Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
121-93-5

AUG 4 1993
Aug. 4, 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 121-93-9 ORDINANCE NO. 240-93

[Mechanical Amusement Devices]

AMENDING ARTICLE 15 OF THE SAN FRANCISCO POLICE CODE BY AMENDING SECTION 1036.31, WHICH PROHIBITS MECHANICAL AMUSEMENT DEVICES IN CERTAIN LOCATIONS, TO PERMIT MECHANICAL AMUSEMENT DEVICES IN BUILDINGS WITH MIXED RESIDENTIAL AND COMMERCIAL USE BY A PERMIT ISSUED BY THE POLICE DEPARTMENT.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Police Code is hereby amended by amending Section 1036.31 to read as follows:

SEC. 1036.31. MECHANICAL AMUSEMENT DEVICES; LOCATION.

(a) PROHIBITED. It shall be unlawful for any owner or operator of a mechanical amusement device to cause, permit or allow same to be located, operated or maintained to be operated, and the Chief of Police may not issue a permit for said devices, in the following areas:

(1) Within a building which has a public entrance which is located within 300 feet of the nearest street entrance to or exit from any public playground or public or private school of elementary or high school grades; said 300 feet to be measured from said



entrance or exit in the most direct line or route which may be walked, legally or not, on, along or across said street or streets adjacent said public playground or public or private school of elementary or high school grades; provided, however, that this Section is not intended to prevent the placement of mechanical amusement devices on the premises of public or private schools of elementary or high school grades.

(2) Within any area of the City and County of San Francisco zoned exclusively for residential use ((or buildings with mixed residential and commercial use)), as defined in Part II, Chapter II (City Planning Code) of the Municipal Code.

(3) In any service station or automobile repair garage in areas zoned for neighborhood-commercial or community business use as defined in Part II, Chapter II (City Planning Code) of the Municipal Code.

(b) ONE THROUGH TEN MECHANICAL AMUSEMENT DEVICES ALLOWED. Subject to the permit requirements set forth above in Section 1036.3 and except where prohibited by Subsection (a), an owner or operator of a mechanical amusement device or devices may cause, permit or allow same to be located, operated or maintained to be operated within any area of the City and County of San Francisco as an Accessory Use subject to the restrictions of this subsection:

The maximum number of mechanical amusement devices allowed in each premises shall be determined by the number of square feet of

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enclosed public retail floor space on a single floor under a single management as follows:

| Square Feet | Maximum Number of MADs |
|---|---|
| 0 - 300 | 0 |
| 301 - 1000 | 2 |
| 1001 - 1500 | 3 |
| 1501 - 2000 | 4 |
| 2001 - 2500 | 5 |
| 2501 - 3000 | 6 |
| 3001 - 3500 | 7 |
| 3501 - 4000 | 8 |
| 4001 - 4500 | 9 |
| 4501 or more | 10 |

(c) ELEVEN OR MORE MECHANICAL AMUSEMENT DEVICES ALLOWED. Subject to the permit requirements set forth above in Section 1036.3, the owner or operator of mechanical amusement devices may operate an arcade except in those areas prohibited in Subsection (a) and in those areas zoned exclusively for neighborhood-commercial or community business use.

(d) EXCEPTIONS. The limitations and restrictions set forth in Subsections (a) and (b) above, shall not apply in the following instances:

(1) Where the application is for mechanical amusement devices in an industrial zone or in the area bounded on the west by Van Ness Avenue, on the south by North Point Street and on the east and north by San Francisco Bay, or in such similar areas as may be designated by resolution of the Board of Supervisors from time to



time.

(2) Where a public or private school requests authorization from the Police Department for a permit to place mechanical amusement devices on premise under the jurisdiction of said public or private school and intended for the use of students and staff of said school.

(3) Premises upon which the California Department of Alcoholic Beverage Control has authorized on-sale consumption of alcoholic beverages, provided that the premises or operations may not lawfully allow minors thereon.

(4) Bowling alleys, except that there shall be no more than two mechanical amusement devices for each bowling lane. The mechanical amusement devices in bowling alleys shall be separately accessible from the street.

(5) Billiard Parlors.

(6) Tourist hotels of more than 25 guest rooms; provided, however, that the mechanical amusement devices be intended for use of guests only and provided further that the mechanical amusement devices be neither accessible to the public except by passing the front desk nor visible from the street.

(7) Theaters, both for performing arts and movies; provided, however, that the mechanical amusement devices be located in an area in which only patrons who have paid admission are allowed, and that all provisions in the Fire Code respecting the placement of machines be met.

(8) Churches, schools, hospitals, convalescent and nursing homes and non-profit community centers (e.g. YMCA); provided, however, that the use of such machines be incidental and subordinate to the primary purpose of the institution. (Added by Ord. 401-82, App. 8/13/82)

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

BY Theodore R. Lakey
Deputy City Attorney



CC

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 19, 1993 | July 26, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley |
| Absent: Supervisor Kennedy | Absent: Supervisors Conroy Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

AUG 4 1993

File No.
121-93-9

Aug. 4, 1993
Date Approved

Frank M. Jordan
Mayor

As amended July 19, 1993

**ORIGINAL**

# CITY AND COUNTY OF SAN FRANCISCO

## CONSOLIDATED BUDGET

## AND

## ANNUAL APPROPRIATION ORDINANCE

## FISCAL YEAR ENDING JUNE 30, 1994

File No. 101-93-1 Ordinance No. 220-93
File No. 101-93-2 Ordinance No. 241-93

Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | $ | Finally Passed |
| | $ | |
| July 19, 1993 | $ | July 26, 1993 |
| | $ | |
| | $ | |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley | $ | Ayes: Supervisors Alioto Bierman Conroy Hsieh Kaufman Kennedy Leal Migden Shelley |
| | $ | |
| | $ | Noes: Supervisor Hallinan |
| | $ | |
| Absent: Supervisor Kennedy | $ | Absent: Supervisor Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

AUG 6 1993

File No. 101-93-2

August 6, 1993
Date Approved

Frank M. Jordan
Mayor

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FILE NO. 102-93-2 FISCAL YEAR 1993-94 ORDINANCE NO 242-93

AN ORDINANCE ENUMERATING POSITIONS IN THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 1994, CONTINUING, CREATING OR ESTABLISHING THESE POSITIONS; ENUMERATING AND INCLUDING THEREIN ALL POSITIONS CREATED BY CHARTER OR STATE LAW FOR WHICH COMPENSATIONS ARE PAID FROM CITY AND COUNTY FUNDS AND APPROPRIATED IN THE ANNUAL APPROPRIATION ORDINANCE; AUTHORIZING APPOINTMENTS OR CONTINUATION OF APPOINTMENTS THERETO; SPECIFYING AND FIXING THE COMPENSATIONS AND WORK SCHEDULES THEREOF; AND AUTHORIZING APPOINTMENTS TO TEMPORARY POSITIONS AND FIXING COMPENSATIONS THEREFOR.



Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 19, 1993 | July 26, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hsieh Kaufman Kennedy Leal Migden Shelley |
| | Noes: Supervisor Hallinan |
| Absent: Supervisor Kennedy | Absent: Supervisor Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

AUG 6 1993

File No.
102-93-2

August 6, 1993
Date Approved

Frank M. Jordan
Mayor

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FILE NO. 127-93-10.1 ORDINANCE NO. 243-93

[Transient Occupancy Tax]

AMENDING THE SAN FRANCISCO MUNICIPAL CODE, PART III, BY AMENDING SECTION 515 TO FUND THE FINE ARTS MUSEUMS OF SAN FRANCISCO AND THE ASIAN ART MUSEUM OF SAN FRANCISCO, TO REDUCE THE PERCENTAGE OF THE TRANSIENT OCCUPANCY TAX ALLOCATED TO ADMINISTRATION THEREOF AND TO LIMIT CERTAIN FISCAL YEAR 1993-94 ALLOCATIONS TO THE AMOUNTS ALLOCATED IN FISCAL YEAR 1992-93.

Note: Additions are underlined, deletions are indicated by ~~strikeout~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part III of the San Francisco Municipal Code is hereby amended by amending section 515 to read as follows:

SEC. 515. ADMINISTRATION AND AUTHORITY OF TAX COLLECTOR GENERALLY; HOTEL ROOM TAX FUND ALLOCATIONS THEREFROM. The Tax Collector shall enforce the provisions of this Article and may prescribe, adopt and enforce rules and regulations relating to the administration and enforcement of this Article. The Tax Collector may prescribe the extent to which any ruling or regulations shall be applied without retroactive effect.

The Tax Collector shall transmit all monies collected pursuant to this Article to the Treasurer for deposit to the credit of a fund to be known as the "Hotel Room Tax Fund". Such fund shall be used solely for the following purposes:



(1) Commencing on July 1, 1993, 51.77 percent of the total amount of the monies credited to the Hotel Room Tax Fund which are attributable to occupancies on and after July 1, 1984 shall be specifically allocated to and set aside for the following purposes provided that such percent shall be 51.65 percent in fiscal year 1994-95 and 51.53 percent in fiscal year 1995-96 and thereafter:

(a) Prior to the commencement of Base Rental (as such term is defined in the Project Lease between the City and County of San Francisco [hereinafter referred to as "City"] and the San Francisco Redevelopment Agency) for the acquisition, construction and financing of a convention center within the Yerba Buena Center Redevelopment Project Area [hereinafter referred to as "Project Area"], together with all excavation, filling, works, properties and structures necessary or convenient therefor, and for the preparation of architectural plans, engineering studies and such other and further expenses relating to the financing, construction and completion of said convention center, and for all expenses reasonably related to operation, maintenance and improvement of Brooks Hall and Civic Auditorium; and

(b) After commencement of Base Rental under said Project Lease, for Base Rental and Additional Rental as provided for in said Project Lease, and for all expenses reasonably related to

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operation, maintenance and improvement of said convention center, Brooks Hall and Civic Auditorium.

(c) Commencing on July 1, 1993, 9.88 percent of the total estimated annual revenue in the Hotel Room Tax Fund, attributable to occupancies on and after July 1, 1993 shall be specifically appropriated to the Office of the Chief Administrative Officer to contract with the San Francisco Convention and Visitors Bureau consistent with the authority conferred upon the Chief Administrative Officer by Charter Section 3.201 to pay the administrative and operation expenses of the San Francisco Convention and Visitors Bureau. The percent in fiscal year 1994-95 shall be 9.82 percent and the percent in fiscal year 1995-96 and thereafter shall be 9.76 percent.

The monies allocated and set aside pursuant to this Subsection (1) are appropriated to the Office of the Chief Administrative Officer, which is hereby authorized to expend such monies for the purposes set forth in this Subsection (1).

(2) Commencing June 30, 1978, 6.23 percent of the total amount of the monies credited to the Hotel Room Tax Fund, attributable to occupancies on and after June 30, 1978, pursuant to this Article for a period of not to exceed 30 years, less $60,000 a year, shall be specifically appropriated to the Office of the Chief Administrative Officer to facilitate the construction of low-income housing in the Project Area and on certain parcels adjacent thereto, including, as may be necessary,



payments for architecture, engineering, maintenance and operation, construction, financing and rent supplements for low-income households; provided, however, expenditures of the funds derived from the allocation set forth in this Subsection (2) are to be made in accordance with the following budgetary limitations.

(A) The first available funds shall be used exclusively to facilitate development of low-cost housing in the Project Area and on certain parcels adjacent thereto, including, but not limited to, expenses pertaining to the preparation of architectural and engineering programs, plans, specifications, estimates, land acquisition and expenses incurred by the City.

(B) The funds next available in excess of the amount required for the purposes described in (A) above shall be used exclusively to finance the construction of low-cost housing in the Project Area and on certain parcels adjacent thereto, including lease rental payment in support of Redevelopment Agency bonds [in the maximum principal amount feasible pursuant to the Controller's estimate of future revenues to be derived from 6.23 percent of the Hotel Room Tax Fund less $60,000 per year provided for in this Subsection (2)], or, alternatively, mortgage payments for other financing used to facilitate the construction of housing; and also including costs of maintenance, operation, furniture and equipment relative to said housing and the administrative thereof.

(C) The funds next available in excess of the amount required for the purposes described in (A) and (B) above shall be used to provide the funds necessary to reduce rentals to 100 percent of the units of housing constructed in the Project Area and on certain parcels adjacent thereto to rent-level categories equivalent to those then in effect in public housing in the City.

(D) The funds next available in excess of the amount required for the purposes described in (A), (B) and (C) above shall be retained in a maintenance, operation, furniture and equipment reserve fund which shall be allowed to accumulate in the maximum annual amount of $100,000 up to a maximum collective amount of $1,000,000 to insure the maintenance and operation of the housing constructed in the Project Area and on certain parcels adjacent thereto.

(E) Notwithstanding the foregoing budgetary limitations, commencing on January 1, 1987, $400,000 per year for a period of 10 years, not to exceed a total sum of $4,000,000, shall be specifically allocated and set aside by the Chief Administrative Officer, from the allocation set forth in this subsection (2), for rent supplements for low-income households or other subsidies which may be required for transfer to the rent supplement program under the jurisdiction of the Mayor for administration and rent supplements, such administration cost not to exceed eight percent of the total sum allocated for rent supplement.

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(F) Funds next available in excess of the amount required for the purposes described in (A), (B), (C), (D) and (E) above shall be applied to construct or rehabilitate low-income rental housing for the elderly and physically handicapped in San Francisco which meet all of the following criteria:

(i) One hundred percent of the units are rental, excepting staff-occupied units, which are affordable to low-income elderly households and will remain so for 40 years;

(ii) The project is developed and controlled during that period by a nonprofit corporation, not excluding partnership ownership where the nonprofit corporation, is the managing general partner;

(iii) Additional project funding includes funding from sources other than City and County of San Francisco.

(G) The funds next available in excess of the amount required for the purposes described in (A), (B), (C), (D), (E) and (F) above may be applied, at the sole option of the City, to the early retirement of bonds or other evidence of indebtedness used to finance low-cost housing in the Project Area or certain parcels adjacent thereto; or may be applied by pay for bridges, ramps, concourse and landscaping to further enhance the convention center in the Project Area.

(H) Notwithstanding any other provisions of this Subsection (2), to the extent that the City becomes obligated to make lease rental payments to the Redevelopment Agency in support

of Redevelopment Agency low-income housing lease revenue bonds or a series of such bonds, the obligation of the City to make the appropriate allocations referred to in this Subsection (2) shall be deemed proportionately discharged. In the event that such bonds are paid and discharged prior to maturity, the foregoing obligation to make such appropriations and allocations shall be deemed to be proportionately discharged.

(I) In the event that other public and private funds in the future become available to construct or otherwise subsidize the low-income housing and related expenses hereinabove referred to, the Redevelopment Agency or the City may use such funds in lieu of the proceeds of the sale of the Redevelopment Agency low-income housing lease revenue bonds hereinabove described, and, to the extent that such funds become available and are utilized, the obligations of the Redevelopment Agency and the City to finance the low-income housing hereinabove described shall be deemed to be proportionately discharged.

(J) Once each year, as soon as practicable after June 30th, the Chief Administrative Officer shall ascertain the amount of money appropriated pursuant to this Subsection (2) which has not been expended or reserved for a specific use as provided herein and shall, following a period of public comment, prepare a report setting forth a program for expenditure of such money.

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(4) Commencing on June 30, 1978 an additional $100,000 per year for a period not to exceed 30 years shall be set aside to the Chief Administrative Officer for use in facilitating the production of low-income housing in the Project Area and on certain parcels adjacent thereto, as provided for in Subsection (2) and this Subsection (4).

(5) Commencing on July 1, 1993, 9.88 percent of the total amount of the monies collected and deposited in the Hotel Room Tax Fund, attributable to occupancies on and after July 1, 1993 shall be specifically appropriated to the War Memorial Special Fund to be used only to defray the cost of maintaining, operating and caring for the War Memorial buildings and ground as described in Section 27.3 of the San Francisco Administrative Code. The percent in fiscal year 1994-95 shall be 9.82 percent and the percent in fiscal year 1995-96 and thereafter shall be 9.76 percent.

(6) Any unexpended balances remaining in the allocations as set forth in Subsections (1), (2), ~~(3)~~ (4), (5), ~~and~~ (6), <u>(13) and (14)</u> at the close of any fiscal year shall be deemed to be provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said allocations for the purposes recited herein. Any monies previously allocated pursuant to the provisions of Ordinances No. 225-73, No. 502-76 and No. 54-82 shall be carried forward by

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the Controller for the uses specified in Subsections (1), (2), ~~[3]~~ (4) and (5).

(7) Commencing on June 30, 1978, 6.23 percent of the total amount of the monies collected and deposited in the Hotel Room Tax Fund, attributable to occupancies on and after June 30, 1978, shall be specifically allocated and set aside for Base Rental and Additional Rental as provided in the 1977 Amended Park Lease between the City and County of San Francisco and San Francisco Stadium, Inc. for the improvement and expansion of the Recreation Center located at Candlestick Park.

(8) Administration of the provisions of this Article, cost of which shall not exceed ~~point six percent (.6%)~~ two/tenths of one percent (0.2%) of the total amount collected.

(9) Refunds of any overpayment of the tax imposed hereunder.

(10) Commencing on July 1, 1993, 16.38 percent of the total estimated annual revenue in the Hotel Room Tax Fund, attributable to occupancies on and after July 1, 1993, shall be specifically appropriated to the Office of the Chief Administrative Officer to be used for publicity and advertising purposes pursuant to the provision of Section 3.201 of the Charter for cultural and promotional organizations and annual or regularly recurring parades, celebrations, and street fairs. The percent in fiscal year 1994-95 shall be 16.32 percent and the percent in fiscal year 1995-96 and thereafter shall be 16.26



percent, provided that at such time as no more funds are required under subsection 7 above, two percent of the total amount of monies collected and deposited in the Hotel Room Tax Fund shall be added herein for the arts.

(11) Commencing on July 1, 1993, one-quarter percent (.25%) of the total estimated annual revenue in the Hotel Room Tax Fund, attributable to occupancies on and after July 1, 1983, shall be specifically appropriated to the Office of the Chief Administrative Officer to be used for publicity and advertising purposes pursuant to the provisions of Section 3.201 of the Charter of nonrecurring parades, celebrations and street fairs and for unforeseen special contingencies.

The Chief Administrative Officer is hereby authorized and directed to expend from monies appropriated in Section 515(10) and (11) those sums in his discretion deemed necessary to evaluate and review cultural, artistic or advertising programs funded for publicity and advertising purposes.

(12) Commencing on July 1, 1993, the following percent of the total estimated annual revenue in the Hotel Room Tax Fund attributable to occupancies on or after July 1, 1993 shall be specifically appropriated to the Cultural Equity Endowment Fund for cultural equity initiatives, commissions to individual creative artists in all disciplines, project grants to small and midsize arts organizations, and artspace initiatives or facilities acquisition program:

(a) Fiscal year 1993-94: 1.25%

(b) Fiscal year 1994-95: 1.75%

(c) Fiscal year 1995-96 and thereafter: 2.25%

(13) Commencing on July 1, 1993, the following percent of the total estimated annual revenue in the Hotel Room Tax Fund attributable to occupancies on or after July 1, 1993 shall be specifically appropriated to the Asian Art Museum of San Francisco for the operation and maintenance of the Asian Art Museum of San Francisco:

(a) Fiscal year 1993-94: 2.160%

(b) Fiscal year 1994-95: 2.100%

(c) Fiscal year 1995-96 and thereafter: 2.045%.

(14) Commencing on July 1, 1993, the following percent of the total estimated annual revenue in the Hotel Room Tax Fund attributable to occupancies on and after July 1, 1993 shall be specifically appropriated to the Fine Arts Museums of San Francisco for the operation and maintenance of the Fine Arts Museums of San Francisco:

(a) Fiscal Year 1993-94: 5.560%

(b) Fiscal Year 1994-95: 5.360%

(c) Fiscal Year 1995-96 and thereafter: 5.155%.

(15) Notwithstanding anything to the contrary in this Section 515, for Fiscal Year 1993-94: (A) no allocations required by subsections (1), (2), (4), (5), (6), (7), (8), (9), (10) and (11) herein shall exceed the actual amounts allocated pursuant to



this Section 515 in Fiscal Year 1992-93; (B) the specific purpose allocation required by subsection (13) herein shall not exceed $1.43 million; and (C) the specific purpose allocation required by subsection (14) herein shall not exceed $4.45 million.

~~(13)~~ (16) After the specific purpose allocations and accumulations required by Subsections (1), (2), ~~(3)~~ (4), (5) and (6) and after appropriations have been made for the purposes set forth in Subsections (7), (8), (9), (10), (11), ~~and~~ (12), (13) and (14) all remaining Hotel Room Tax revenues shall be appropriated to the General Fund.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

cc

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisor Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
127-93-10.1

AUG 10 1993
Date Approved

Frank M Jordan
Mayor

As divided 6/21/93

FILE NO. 127-93-10 ORDINANCE NO. 244-93

[Transient Occupancy Tax]

AMENDING THE SAN FRANCISCO MUNICIPAL CODE, PART III, BY AMENDING SECTION 502.5 TO INCREASE TRANSIENT OCCUPANCY TAX SURCHARGE FROM 1.75 PERCENT TO 2.75 PERCENT EFFECTIVE AUGUST 15, 1993 AND BY AMENDING SECTIONS 508, 509, AND 510 TO REQUIRE MONTHLY PREPAYMENTS OF TRANSIENT OCCUPANCY TAXES EFFECTIVE OCTOBER 1, 1993.

Note: Additions are underlined, deletions are indicated by ~~STRIKE/DATE~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part III of the San Francisco Municipal Code is hereby amended by amending sections 502.5, 508, 509 and 510 to read as follows:

Sec. 502.5. IMPOSITION OF ~~1/75/PERCENT~~ SURCHARGE. There shall be an additional tax of 1.75 percent on the rent for every occupancy of the guest rooms in a hotel in the City and County of San Francisco ~~ON/AND/AFTER~~ between July 1, 1980 and August 14, 1993 and an additional tax of 2.75 percent on the rent for every occupancy on and after August 15, 1993.

When rent is paid, charged, billed or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax of eight percent herein imposed to the extent that it covers any portion of the



period prior to July 1, 1980, and to the tax of eight percent herein plus the ~~AMOUNT/OF~~ 1.75 percent surcharge imposed to the extent that it covers any portion of the period ~~ON/AND/AFTER~~ between July 1, 1980 and August 14, 1993, and the 2.75 percent surcharge imposed to the extent that it covers any portion of the period on and after August 15, 1993, and such payment, charge, bill or rent due shall be apportioned on the basis of the ratio of the number of days falling within ~~SAID~~ the periods prior to July 1, 1980, between July 1, 1980 and August 14, 1993, and on and after August 15, 1993 to the total number of days covered thereby. Where any tax has been paid hereunder upon any rent without any right of occupancy therefore, the Tax Collector may by regulation provide for credit or refund of the amount of such tax upon application therefor as provided in Section 514(f) of this Article.

The surcharge tax so collected shall be deposited in the General Fund subject to appropriation pursuant to the budget and fiscal provisions of the Charter.

By adopting this ordinance the People of the City and County of San Francisco do not intend to limit or in anyway curtail any powers the Board of Supervisors may exercise as to the subject matter of this ordinance, including, but not limited to, raising the rate of taxation or surcharge, lowering the rate of taxation or surcharge, eliminating the tax or surcharge, or creating or defining new categories or tax payers under this ordinance.

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SEC. 508. DETERMINATIONS, RETURNS AND PAYMENTS.

(a) Due Date of Taxes. All amounts of taxes imposed by this Article and collected by any operator or required to be collected by any operator are due and payable to the Tax Collector for each calendar quarter on or before the last day of the month immediately following each respective quarterly period.

(b) Return; Time for Filing; Persons Required to File; Execution. On or before the last day of the month immediately following each quarterly period, every operator shall file a return for the preceding quarterly period with the Tax Collector, in such forms as the Tax Collector may prescribe.

(c) Contents of Return. Returns shall show the amount of tax collected or otherwise due for the related period and such other information as is required by the Tax Collector. The Tax Collector may require returns to show the total rentals upon which tax was collected or otherwise due, the gross receipts of a registered operator for such period and the explanation in detail of any discrepancy between such amounts.

(d) Delivery of Return and Remittance. The person required to file the return shall transmit the return, together with the remittance of the amount of tax due, to the Tax Collector at the Tax collector's office on or before the date provided in this Section.

(e) Prepayments. Notwithstanding the date otherwise provided herein for the payment of the tax due hereunder, commencing October 1, 1993, all taxes required to be collected by any operator shall be



paid in monthly installments. Monthly installments (estimated tax prepayments) shall be due and payable to the Tax Collector on or before the last day of the month immediately following the month for which the prepayment is due. Taxes paid in the first two monthly installments of any quarterly period shall be a credit against the total tax liability for the quarterly period. Estimated tax prepayments shall be computed based on the estimated tax collected or required to be collected from occupants during the month in question, but in no instance shall a prepayment be equal to a sum less than ninety per cent of one-third of the tax collected in the immediately preceding quarterly period. If the operator can establish by clear and cogent evidence that the amount of any prepayment will exceed the total tax liability for the quarterly period for which the tax prepayment becomes due, the Tax Collector may, in writing, adjust the amount of the tax prepayment. The third monthly installment of any quarterly period shall be in an amount equal to the total tax liability for the quarterly period, less the amount of any tax prepayment actually paid. Prepayments shall be accompanied by a tax prepayment form prepared by the Tax Collector, but failure of the Tax Collector to furnish the operator with a tax prepayment form shall not relieve the operator of the tax prepayment obligation set forth herein.

(f) Extension of Time for Filing a Return and Paying Tax. For good cause, the Tax Collector may extend, for not to exceed on month, the time for making any return of payment of tax. No further

extension shall be granted except by the Board of Review. Any person to whom an extension is granted, whether by the Tax Collector under this Section or by the Board of Review under Section 515(b), who makes return and pays the tax within the period of such extension shall pay, in addition to the tax, interest on the amount thereof at the rate of one percent per month, or fraction thereof, for the period of such extension to the time of return and payment.

SEC. 509. DEFICIENCY DETERMINATIONS. (a) Recomputation of Tax; Authority to Make; Basis of Recomputation. If the Tax Collector is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the City and County by any person, the Tax Collector may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns or upon the basis of any information within the Tax Collector's possession or that may come into the Tax Collector's possession. One or more deficiency determinations may be made of the amount due for one or for more than one period.

(b) Interest on Deficiency. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the fifteenth day after the close of the month or the quarterly period for which the amount or any portion thereof should have been returned until the date or payment.

(c) Offsetting of Overpayments. In making a determination, the Tax Collector may offset overpayments for a period or periods



together with interest on the overpayments, against underpayments for another period or periods, against penalties, and against the interest on the underpayments. The interest on underpayments and overpayments shall be computed in the manner set forth in Sections 513 and 514.

(d) Penalty; Negligence or Disregard of Rules and Regulations. If any part of the deficiency for which a deficiency determination is made is due to negligence or intentional disregard of this Article, or authorized rules and regulations, a penalty of 10 percent of the amount of the determination shall be added thereto.

(e) Penalty for Fraud or Intent to Evade. If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade this Article or authorized rules and regulations, a penalty of 25 percent of the amount of the determination shall be added thereto.

(f) Notice of Tax Collector's Determination; Service of. The Tax Collector shall give to the operator written notice of the Tax Collector's determination. The notice may be served personally or by mail; if by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the operator at the operator's address as it appears in the records of the Tax Collector. In case of service by mail of any notice required by this Article, the service is complete at the time of deposit in the United States Post Office.

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(g) Time Within Which Notice of Deficiency Determination Is to be Mailed. Except in the case of fraud, intent to evade this Article or authorized rules and regulations, or failure to make an estimated tax prepayment or return, every notice of a deficiency determination shall be mailed within three years after the fifteenth day of the calendar month following the month or the quarterly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period expires the later.

SEC. 510. DETERMINATION IF NO RETURN MADE. (a) Estimate of Gross Receipts; Computation of Tax Penalty. If any person fails to make an estimated tax prepayment or a return, the tax Collector shall make an estimate of the amount of the gross receipts of the person, or, as the case may be, of the amount of the total rentals in this City and County which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make a return, and shall be based upon any information which is in the Tax Collector's possession or may come into his possession. Upon the basis of this estimate, the Tax Collector shall compute and determine the amount required to be paid to the City and County, adding to the sum thus computed a penalty equal to 10 percent thereof. One or more determinations may be made for one or more than one period.

(b) Manner of Computation; Offsets; Interest. In making a determination, the Tax Collector may offset overpayments for a



period or periods, together with interest on the overpayments, against underpayments for another period or periods, against penalties, and against the interest on the underpayments. The interest on underpayments and overpayments shall be computed in the manner set forth in Sections 513 and 514.

(c) Interest on Amount Found Due. The amount of the determinations, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the last day of the month following the close of the month or quarterly period for which the amount ((of)) or any portion thereof, should have been returned until the date of payment.

(d) Penalty for Fraud or Intent to Evade. If the failure of any person to file a return or estimated tax prepayment is due to fraud or an intent to evade this Article, or rules and regulations, a penalty of 25 percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the 10 percent penalty provided in Section 510(a).

(e) Giving Notice; Manner of Service. Promptly after making his determination, the Tax Collector shall give to the person written notice of the estimate, determination, and penalty; the

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notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination as set out in Section 509 herein.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

5746g

6/22/93
Page 9

BOARD OF SUPERVISORS



Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisor Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
127-93-10

AUG 1 0 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 45-93-40 ORDINANCE NO.: 245-93

RO #92266

SETTLEMENT OF LAWSUIT

AUTHORIZING SETTLEMENT OF LITIGATION OF THE HOME INSURANCE COMPANY AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $11,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "THE HOME INSURANCE COMPANY v. CITY AND COUNTY OF SAN FRANCISCO, et al.,"Superior Court No. 938-285, by the payment of $11,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

JOHN E. CRIBBS
Director, Department of Public Works

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

MAY 18 1993

01 001 97 09 90
309674 1450 $11,000.00

APPROVED:

RUDOLF NOTHENBERG
Chief Administrative Officer

7857n

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

| | |
|---|---|
| Passed for Second Reading | Finally Passed |
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisors Conroy Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-93-40

AUG 10 1993
Date Approved

Mayor

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FILE NO. 45-93-43

ORDINANCE NO. 246-93

RO #92268

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF DEBORAH LOLLIE-JACKSON AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $17,500.00.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the attorneys fees portion of the action entitled "DEBORAH LOLLIE-JACKSON v. CITY AND COUNTY OF SAN FRANCISCO, et al," United States District Court Action No. C85-4925JPV by the payment of $17,500.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

JONATHAN V. HOLTZMAN, ESQ.
Deputy City Attorney

APPROVED:

DISTRICT ATTORNEY

ARLO SMITH

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

01 001 97 09 04
309732 1450 $17,500.00

MAY 19 1993

BOARD OF SUPERVISORS
05/18/93
89761

CC

Board of Supervisors, San Francisco

| | |
|---|---|
| Passed for Second Reading | Finally Passed |
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisors Conroy Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-93-43

AUG 10 1993

Date Approved

Mayor

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FILE NO. 45-93-46 ORDINANCE NO. 247-93

RO #92275

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF ROBERT RIGGS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $16,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "ROBERT RIGGS v. CITY AND COUNTY OF SAN FRANCISCO, et al.," United States District Court No. C92-2848 MHP, by the payment of $16,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

ANTHONY RIBERA, Chief
San Francisco Police Department
Title

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

JUN 02 1993

01 001 97 09 38
309781 1450 $16,000.00

APPROVED:

SECRETARY
San Francisco Police Commission

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | § | Finally Passed |
| July 26, 1993 | § | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | § | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisors Conroy Maher | § | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
45-93-46

AUG 10 1993
Date Approved

Frank M. Jordan
Mayor

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As amended in committee
July 21, 1993.

CC

FILE NO. 45-93-49

ORDINANCE NO. 248-93

RO #92276

[SETTLEMENT OF LAWSUIT]

AUTHORIZATION of partial SETTLEMENT OF LITIGATION OF DAWN WALKER AND CYNTHIA CANNONIER AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $35,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle in part the action entitled DAWN WALKER AND CYNTHIA CANNONIER v. CITY AND COUNTY OF SAN FRANCISCO, ET AL., United States District Court No. C91-1190 SAW, by the payment of $35,000 to Cynthia Cannonier and her Attorneys of record.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK MAHONEY
Chief Trial Deputy

FUNDS AVAILABLE:

CONTROLLER

01 001 97 09 38
309781 1450 $35,000.00

JUN 07 1993

RECOMMENDED:

POLICE DEPARTMENT

ANTHONY RIBERA
Chief

APPROVED:

POLICE COMMISSION

SECRETARY

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisors Conroy Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-93-49

AUG 10 1993
Date Approved

Mayor

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FILE NO. 45-93-50 ORDINANCE NO. 249-93

RO #92277

(SETTLEMENT OF LITIGATION)

AUTHORIZING SETTLEMENT OF LITIGATION OF BAY VIEW FEDERAL SAVINGS AND LOAN ASSOCIATION IN THE SUM OF $300,714.85 (CONSISTING OF $185,995.09 IN TAX REFUNDS AND $114,719.76 IN INTEREST) TO BE PAID IN FOUR EQUAL ANNUAL INSTALLMENTS WITH NO INTEREST ON THE DEFERRED PAYMENTS.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled Bay View Federal Savings and Loan Association, Superior Court No. 793-871, for refund of business taxes by the payment of $300,714.85 (consisting of $185,995.09 in tax refunds and $114,719.76 in interest) to be paid in four equal annual installments with no interest on the deferred payments.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

TAX COLLECTOR

THAD BROWN
Tax Collector

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

01 001 97 09 08
310441 1450 $300,714.85

JUL 07 1993

1498j/15

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisors Conroy Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-93-50

AUG 1 0 1993

Date Approved

Mayor

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FILE NO.: 46-93-10 ORDINANCE NO.: 250-93

(SETTLEMENT OF LAWSUIT)

AUTHORIZING SETTLEMENT OF CITY AND COUNTY OF SAN FRANCISCO v. DAVID MENASCO, WILLIS MENASCO, ET AL., UPON RECEIPT OF THE SUM OF $7,400.00 AND DISMISSAL OF COMPLAINT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle the San Francisco Municipal Court Action entitled "City and County of San Francisco, Plaintiffs v. David Menasco, Willie Menasco, et al., Defendants" by acceptance of the sum of $7,400.00 from the defendants and dismissing complaint.

Section 2. Upon receipt of said sum of $7,400.00 and appropriate paperwork the City Attorney is authorized to dismiss said action.

APPROVED AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By Patrick J. Mahoney
PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM

By Clare M. Murphy
CLARE M. MURPHY
General Manager

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisors Conroy Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 46-93-10

AUG 10 1993
Date Approved

Frank M. Jordan
Mayor

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FILE NO. 46-93-11 ORDINANCE NO. 261-93

SETTLEMENT OF LAWSUIT)

AUTHORIZING SETTLEMENT OF CLINT PIERCE v. OAKLAND OPEN FENCE COMPANY, ET AL., UPON RECEIPT OF THE SUM OF $4,800.00 AND RELEASE OF LIEN.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Superior Court No. 928243 entitled "Clint Pierce, Plaintiff, v. Oakland Open Fence Company, et al., Defendants" by acceptance of the sum of $4,800.00 from the defendants, and by releasing lien.

Section 2. Upon receipt of said sum of $4,800.00 and appropriate paperwork the City Attorney is authorized to release said lien.

APPROVED AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By Patrick J. Mahoney
PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM

By Clare M. Murphy
CLARE M. MURPHY
General Manager

39104/4

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisors Conroy Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 46-93-11

AUG 10 1993
Date Approved

Frank M. Jordan
Mayor

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FILE NO. 65-93-6 ORDINANCE NO. 252-93

[Lease of Property]

AUTHORIZING AND APPROVING LEASE OF CITY-OWNED PROPERTY IN BUILDING 800 AT 1701 JERROLD AVENUE, PORTION OF TOP FLOOR, ROOF AND SMOKE STACK TO BAY AREA CELLULAR TELEPHONE COMPANY.

Be It Ordained by the People of the City and County of San Francisco:

**SECTION 1.** The Director of Property and the Director of Public Works recommend approval of a 5-year lease commencing upon lease execution with Bay Area Cellular Telephone Company, Lessee, for rental space located on a portion of the top floor plus roof and tower antennae attachments, in Building 800 at the "Dryer Building" at 1701 Jerrold to be used as a cellular telephone transmitting site.

**SECTION 2.** The Director of Property is hereby authorized and directed to prepare said Lease subject to the terms and conditions on file with the Clerk of the Board of Supervisors and with approval as to form by the City Attorney, and the Mayor and Clerk of the Board of Supervisors are hereby authorized to execute said Lease on behalf of the City.

RECOMMENDED:

Director of Public Works

Director of Property

CD:ie:\SIBER438 LEG

[Real Estate]

APPROVED AS TO FORM:
Louise H. Renne, City Attorney

By _____
Deputy City Attorney

CC

Board of Supervisors, San Francisco

| | |
|---|---|
| Passed for Second Reading | Finally Passed |
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisor Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 65-93-6

AUG 10 1993
Date Approved

Mayor

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FILE NO. 97-93-38 ORDINANCE NO. 853-93

(Real Estate Department)

AMENDING CHAPTER 23 OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 23.19 THEREOF, RELATING TO YEAR-TO-YEAR AND SHORTER LEASES AND OTHER AGREEMENTS AND THE AUTHORITY OF THE DIRECTOR OF PROPERTY TO INCLUDE HOLD HARMLESS PROVISIONS IN SUCH LEASES AND OTHER AGREEMENTS.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 23 of the San Francisco Administrative Code is hereby amended by amending Section 23.19 thereof to read as follows:

**SEC. 23.19 YEAR-TO-YEAR AND SHORTER LEASES AND OTHER AGREEMENTS.** Where the rental or other consideration to be paid for the City and County's occupancy or use of such property within the City and County of San Francisco is $1,000 or less per month, the Director of Property may execute a written lease, permit, contract or other agreement on behalf of the City and County ((as lessee)) for a year-to-year or shorter term ((tenancy)). Where the term of a lease, permit, contract or other agreement is less than one month, the Director of Property may execute ((a)) such lease, permit, contract or other agreement on behalf of the City and County ((as lessee)).



The Director of Property may include ((therein)) in any lease, permit, contract or other agreement authorized by this Section an appropriate ((clause holding the lessor harmless from and agreeing to defend the lessor against any claim or liability for an injury or damage to any person or property)) hold harmless agreement for the purpose of providing for ((resulting from)) the City and County's occupancy or other use of such property (including, without limitation, conducting environmental assessments, soil borings, test wells and any other property investigations), subject, however, to written approval as to form by ((of)) the City Attorney and written recommendation by the head of the department concerned.

The Director of Property shall determine the rental or other consideration to be paid for all such property and shall obtain from the Controller written certification that funds are available for such lease, permit, contract or other agreement. ((Such leases, permits, contracts and other agreements shall remain in force until the lease is terminated.)) The department concerned shall give written notice to the Director of Property when such ((leases shall be)) lease, permit, contract or other

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agreement is ((shall be)) terminated by the City and County.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Jesse Capin Smith
Deputy City Attorney

RECOMMENDED:

_____
ANTHONY I. DELUCCHI
Director of Property



Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisor Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
97-93-38

AUG 1 0 1993
Date Approved

_____
Mayor

FILE NO. 105-93-4 ORDINANCE NO. 254-93

(Compensation)

AN ORDINANCE IMPLEMENTING THE COMPENSATION PROVISIONS OF THE AGREEMENT BETWEEN THE SAN FRANCISCO FIREFIGHTERS UNION LOCAL 798 AND THE CITY AND COUNTY OF SAN FRANCISCO PURSUANT TO CHARTER SECTION 8.590-1 et. seq. EFFECTIVE JULY 1, 1993.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The board of supervisors hereby adopts the rates of compensation set forth in the Memorandum of Understanding between the San Francisco Firefighters Union, Local 798 and the City and County of San Francisco pursuant to Charter section 8.590-1 et. seq., which was approved by the Mayor on April 16, 1992 and ratified by the board of supervisors on June 15, 1992 by resolution No. 526-92 such rates of compensation to be effective July 1, 1993. The schedules of compensation so enacted are on file in the office of the board of supervisors.

APPROVED AS TO FORM:
LOUISE H RENNE
CITY ATTORNEY

Julie A. Vaughn
DEPUTY CITY ATTORNEY

94421

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisor Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
105-93-4

AUG 1 0 1993
Date Approved

Frank Jordan
Mayor

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FILE NO. 105-93-5 ORDINANCE NO. 255-93

(Compensation)

AN ORDINANCE IMPLEMENTING THE COMPENSATION PROVISIONS OF THE AGREEMENTS BETWEEN THE POLICE OFFICERS ASSOCIATION, LOCAL 911 AND THE CITY AND COUNTY OF SAN FRANCISCO PURSUANT TO CHARTER SECTION 8.590-1 ET. SEQ. EFFECTIVE JULY 1, 1993.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The board of supervisors hereby adopts the rates of compensation set forth in the Memoranda of Understanding between the Police Officers Association, Local 911 and the City and County of San Francisco pursuant to Charter section 8.590-1 et. seq., which were approved by the Mayor on June 22, 1992 and ratified by the board of supervisors on June 22, 1992 by resolution No. 529-92 such rates of compensation to be effective July 1, 1993. The schedules of compensation so enacted are on file in the office of the board of supervisors.

APPROVED AS TO FORM:

LOUISE H. RENNE

CITY ATTORNEY

Julie A. Clayton

DEPUTY CITY ATTORNEY

94421
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

| | |
|---|---|
| Passed for Second Reading | Finally Passed |
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisor Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
105-93-5

AUG 1 0 1993
Date Approved

Frank M. Jordan
Mayor

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FILE NO. 106-93-5 ORDINANCE NO. 256-93

(Benefits For Unrepresented Employees)

APPROVING THE MAYOR'S PROPOSAL TO CONTINUE UNCHANGED THE COMPENSATION OF UNREPRESENTED EMPLOYEES PURSUANT TO CHARTER SECTION 8.409-1.

Be it ordained by the People of the City and County of San Francisco.

Section 1. Pursuant to section 8.409-1 of the charter, the Mayor must annually propose all forms of compensation for unrepresented employees for approval or disapproval of the board of supervisors. The board hereby approves the Mayor's proposal to continue unchanged the wages and other terms and conditions of employment of unrepresented employees as previously approved by the board for fiscal year 1992-93 through fiscal year 1993-94. Copies of the previously approved ordinances are on file in the office of the board of supervisors.

APPROVED AS TO FORM:

LOUISE H. RENNE
CITY ATTORNEY

DEPUTY CITY ATTORNEY

94401

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

| Passed for Second Reading | § | Finally Passed |
|---|---|---|
| July 26, 1993 | § | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | § | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisor Maher | § | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 106-93-5

AUG 10 1993
Date Approved

Mayor

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FILE NO. 106-93-7 ORDINANCE NO. 257-93

AN ORDINANCE IMPLEMENTING THE TERMS OF SETTLEMENT OF LITIGATION IN THE MATTER ENTITLED SCHACH v. BRITT, et al. SET FORTH IN THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND IBEW LOCAL 6. THIS ORDINANCE AMENDS RATES OF SHIFT PREMIUM PAY.

Be it ordained by the people of the City and County of San Francisco:

In accordance with the settlement of Schach v. Britt et al., ratified by the Board of Supervisors on October 26, 1992 Ordinance # 328-92 and approved by the Mayor on November 2, 1992; effective January 1, 1993, all employees of the City employed in classifications within Bargaining Unit 1L represented by IBEW Local 6 shall receive shift premium pay of eight percent (8%) over and above their basic pay rate for all work performed on properly assigned shifts between the hours of 5:00 p.m. and 7:00 a.m. In the event a scheduled shift commences before 5:00 p.m. or terminates after 7:00 a.m., shift pay of 8% shall be paid for all hours worked for the entire shift, provided at least 5.5 hours scheduled for any such shift falls between the hours of 5:00 p.m. and 7:00 a.m.

APPROVED AS TO FORM:

LOUISE H. RENNE
CITY ATTORNEY

Vuki A. Clayton
DEPUTY CITY ATTORNEY

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisor Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 106-93-7

AUG 1 0 1993
Date Approved

Frank M. Jordan
Mayor

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FILE NO. 121-93-10 ORDINANCE NO. 258-93

(Tour Bus Restriction)

AMENDING PART II, CHAPTER VIII OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE), BY ADDING SECTIONS 1183.22 THROUGH 1183.25 THERETO, REGARDING TOUR BUS RESTRICTIONS ON LARKIN, LEAVENWORTH, JONES, AND TAYLOR STREETS.

Note: These sections are new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 16, Part II, Chapter VIII of the San Francisco Municipal Code (Police Code) is hereby amended by adding thereto Sections 1183.22 through 1183.25 to read as follows:

Sec. 1183.22 RESTRICTED AREAS. Larkin Street, between Union Street and Pacific Avenue.

Sec. 1183.23 RESTRICTED AREAS. Leavenworth Street, between Union Street and Pacific Avenue.

Sec. 1183.24 RESTRICTED AREAS. Jones Street, between Union Street and Pacific Avenue.

Sec. 1183.25 RESTRICTED AREAS. Taylor Street, between Columbus Avenue and Pacific Avenue.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Tommy Wato
Deputy City Attorney

RECOMMENDED:

John E. Newlin
JOHN E. NEWLIN
Executive Director
Department of Parking and Traffic

DEPARTMENT OF PARKING AND TRAFFIC
BOARD OF SUPERVISORS

cc

Board of Supervisors, San Francisco

Passed for Second Reading

July 26, 1993

Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley

Absent: Supervisor Maher

Finally Passed

August 2, 1993

Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley

Absent: Supervisors Hsieh Migden

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No. 121-93-10

AUG 1 0 1993
Date Approved

Frank M. Jordan
Mayor

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FILE NO. 124-93-5 ORDINANCE NO. 259-93

(Commercial Vehicle Weight Limit)

AMENDING PART II, CHAPTER XI, OF THE SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) BY ADDING SECTIONS 28.5.37 THROUGH 28.5.44 THERETO, LISTING STREETS WITH PROHIBITION OF COMMERCIAL VEHICLES.

Note: These sections are new:

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 3, Part II, Chapter XI of the San Francisco Municipal Code (Traffic Code) is hereby amended by adding Sections 28.5.37 through 28.5.44 thereto, to read as follows:

Sec. 28.5.37 Francisco Street, between Polk Street and Columbus Avenue.

Sec. 28.5.38 Chestnut Street, between Polk Street and Columbus Avenue.

Sec. 28.5.39 Greenwich Street, between Polk and Taylor Streets.

Sec. 28.5.40 Filbert Street, between Polk and Taylor Streets.

Sec. 28.5.41 Larkin Street, between Bay Street and Pacific Avenue.

Sec. 28.5.42 Leavenworth Street, between Bay Street and Pacific Avenue.

Sec. 28.5.43 Jones Street, between Columbus and Pacific Avenues.

Sec. 28.5.44 Taylor Street, between Columbus and Pacific Avenues.

BOARD OF SUPERVISORS

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Mary Wayte
Deputy City Attorney

RECOMMENDED:

John E. Newlin
JOHN E. NEWLIN
Executive Director
Department of Parking and Traffic

DEPARTMENT OF PARKING AND TRAFFIC

BOARD OF SUPERVISORS

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Board of Supervisors, San Francisco

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|---|---|
| Passed for Second Reading | Finally Passed |
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisor Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
124-93-5

AUG 1 0 1993
Date Approved

Frank M. Jordan
Mayor

Amendment of the Whole
July 26, 1993
FILE NO. 127--93-5.1 ORDINANCE NO. 260-93

(Utility User Tax Amendments)
PART III
AMENDING/ARTICLE 10 OF THE SAN FRANCISCO MUNICIPAL CODE BY AMENDING SECTION 707.2 TO EXTEND THE 6.5% TAX RATE THROUGH SEPTEMBER 30, 1993 AND TO INCREASE THE TAX RATE TO 7.5%, EFFECTIVE OCTOBER 1, 1993, AND AMENDING SECTION 707.3 TO DELETE THE SUNSET PROVISION OF THIS SECTION, WHICH EXTENDED THE TELEPHONE USERS TAX TO INTERSTATE AND INTERNATIONAL TELEPHONE COMMUNICATION SERVICES FOR THE PERIOD FROM AUGUST, 1992 TO JUNE, 1993.

NOTE: Additions are underlined; deletions are in ((double parentheses))

Be it ordained by the people of the City and County of San Francisco:

Section 1. Article 10 of the San Francisco Municipal Code is hereby amended by amending Sections 707.2 and 707.3 to read as follows:

Sec. 707.2. UTILITY USERS TAX RATE ADJUSTMENT.

Notwithstanding any provision in this Article that sets forth a different rate of taxation, for bills rendered during the period commencing August 1, 1992 and ending September 30, 1993((June 30, 1993)), the tax set forth in Section 703 (telephone users), shall be at the rate of six and one-half percent and the tax set forth in Section 704 (electricity users), in Section 705 (gas users), in Section 706 (water users), and in Section 706.1 (steam users) shall



be at the rate of six and one-half percent. Commencing October 1, 1993, the tax set forth in Section 703 (telephone users), shall be at the rate of seven and one-half percent and the tax set forth in Section 704 (electricity users), in Section 705 (gas users), in Section 706 (water users), and in Section 706.1 (steam users shall be at the rate of seven and one-half percent.

Sec. 707.3 INTERSTATE TELEPHONE USERS TAX.

((During the period)) Commencing August 1, 1992((and ending June 30, 1993)), the tax set forth in Section 703 (telephone users) and Section 707.2 ((one-year rate adjustment)), in addition to being imposed upon persons using intrastate telephone communication services, shall also ((by)) be imposed upon every person, other than a telephone corporation, using interstate or international telephone communication services in the City and County. The tax imposed on the interstate or international telephone communication services shall be collected from the service user by the person providing such services. The amount of the tax collection in one month shall be remitted to the Tax Collector on or before the last day of the following month.

Section 2. The effects of this ordinance shall be (1) to extend the 6.5% tax rates through September 30, 1993, (2) to increase the utility users tax rates, effective October 1, 1993 and (3) to extend application of the telephone users tax to interstate



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and international communication services, effective July 1, 1993. Without this ordinance, the tax rate would revert to 5.5% on July 1, 1993, and the application of the telephone user tax to interstate and international communication services would terminate as of June 30, 1993.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney



Board of Supervisors, San Francisco

| | |
|---|---|
| Passed for Second Reading | Finally Passed |
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Shelley |
| | Noes: Supervisor Maher |
| Absent: Supervisor Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
127-93-5.1

AUG 12 1993
Date Approved

Frank M. Jordan
Mayor

As amended in Board 7/26/93

FILE NO. 127-93-7 ORDINANCE NO. 261-93

(Business Tax Changes)

AMENDING PART III, MUNICIPAL CODE BY AMENDING SECTION 1004.17 AND ADDING SECTION 1004.18 THERETO TO ESTABLISH A NEW BUSINESS CLASSIFICATION FOR PASSENGER VEHICLE RENTAL BUSINESSES AND TO INCREASE THE TAX RATE FROM .3% TO 7.0% FOR THIS CLASSIFICATION AS OF OCTOBER 1, 1993.

ejp 7/26/93

NOTE: Additions are underlined; deletions are in ((double parentheses))

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 12-B of Part III of the San Francisco Municipal Code (Business Tax Ordinance) is hereby amended by amending Section 1004.17 to read as follows:

SEC. 1004.17. RATES OF TAX AFTER JUNE 30, 1990 AND AFTER OCTOBER 1, 1993.

(a) Notwithstanding any other provision of this ordinance, commencing July 1, 1990, the rates of gross receipts tax under Sections 1004.01, 1004.02, 1004.03, 1004.04, 1004.06, 1004.07, 1004.08, 1004.09, 1004.10, 1004.11, 1004.13, 1004.15 1004.16 and, and commencing October 1, 1993 the rate of gross receipts tax under Section 1004.17, shall be as follows:

/ / /

/ / /



| Sec. No. | Business | Tax on First $10,000 of Gross Receipts or Fractional Part Thereof | Tax on Each Additional $1000 of Gross Receipts or Fractional Part Thereof |
|---|---|---|---|
| 1004.01 | COMMISSION MERCHANT OR BROKER | $ 30.00 | $ 3.00 |
| 1004.02 | CONTRACTOR | $ 30.00 | $ 3.00 |
| 1004.03 | HOTEL, APARTMENT | $ 15.00 | $ 1.50 |
| 1004.04 | LAUNDRY, ETC. | $ 15.00 | $ 1.50 |
| 1004.06 | PERSONAL PROPERTY RENTAL | $ 30.00 | $ 3.00 |
| 1004.07 | OTHER BUSINESSES | $ 30.00 | $ 3.00 |
| 1004.08 | RETAIL SALES | $ 15.00 | $ 1.50 |
| 1004.09 | STORAGE, ETC. | $ 30.00 | $ 3.00 |
| 1004.10 | TELEPHONES, ETC. | $ 12.00 | $ 1.23 |
| 1004.11 | TRANSPORTING PERSONS | $ 30.00 | $ 3.00 |
| 1004.13 | WHOLESALE SALES | $ 12.00 | $ 1.23 |
| 1004.15 | ARCHITECTS, ENGINEERS | $ 30.00 | $ 3.00 |
| 1004.16 | NON-PROFIT GARAGE | $2,500.00 | $250.00 |
| 1004.17 | PASSENGER VEHICLE RENTAL | $ 700.00 | $ 70.00 |

(b) Notwithstanding any other provision of this ordinance, for calendar year 1990 and for each calendar year thereafter, the tax under section 1004 (FIXED PLACE OF BUSINESS) shall be $24.00 per year.

(c) Notwithstanding any other provisions of this ordinance, for calendar year 1990 and for each calendar year thereafter, the tax under Section 1004.05 (LENDING MONEY) shall be $800 per year.



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(d) Notwithstanding any other provision of this ordinance, commencing July 1, 1990, the rates of tax under Section 1004.12 (TRUCKING-HAULING) shall be as follows:

For each a motor vehicle (other than a tractor, trailer, semitrailer or dolly) used to receive or discharge, pick up or deliver property within this City and County (1) if the unladen weight thereof is 4000 pounds or less, the tax shall be $0.07 for each day or fraction thereof of its operation as specified in Section 1004.12(b); (2) if the unladen weight thereof is over 4000 pounds, and not more than 8,000 pounds, the tax shall be $0.15 for each day or fraction thereof of its operation as specified in Section 1004.12(b); and (3) if the unladen weight thereof is over 8,000 pounds, the tax shall be 0.16 for each day or fraction thereof of its operation as specified in Section 1004.12(b).

For each tractor which is used to haul one or more trailers or semitrailers, the tax shall be $0.16 for each day or fraction thereof of its operation as specified in Section 1004.12(b).

Section 2. Article 12-B of Part III of the San Francisco Municipal Code (Business Tax Ordinance) is hereby amended by adding Section 1004.18 thereto, to read as follows:

SEC. 1004.18 PASSENGER VEHICLE RENTAL.

(a) Notwithstanding any other provision of this ordinance, commencing October 1, 1993, for every person engaged in the business of renting passenger vehicles, the tax shall be $700 per year or



fractional part thereof for the first $10,000 or less of gross receipts, plus $70 per year for each additional $1,000 of gross receipts or fractional part thereof in excess of $10,000 from renting passenger vehicles.

(b) As used herein, the term "passenger vehicle" means a motor vehicle, other than a motor truck or truck tractor, designed for carrying not more than 10 persons including the driver, and used or maintained for the transportation of persons. The term 'passenger vehicle' shall include a housecar, as defined by the California Vehicle Code.

(c) As used herein, the term "passenger vehicle rental" shall mean furnishing any passenger vehicle for the transportation of persons or property under a lease or rental agreement with a duration of 60 days or fewer. The term "passenger vehicle rental" shall not include furnishing any passenger vehicle where the person furnishing such vehicle operates the motor vehicle furnished or is otherwise subject to taxation under Section 1004.11 of this Article.

(d) Gross receipts under the provisions of this Section shall include receipts from the rental or lease of a passenger vehicle (i) within the City and County for transportation to a place or places within the City and County (even though such transportation involves going outside the City and County); (ii) within the City and County for transportation to a place or places outside the City and County (including a place or places outside the State of California).

(e) Nothing in this Section of shall be construed to require

the inclusion of the amount received for the leasing or renting of any passenger vehicle the entire use of which is made wholly outside the State of California.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney



Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Shelley |
| | Noes: Supervisor Maher |
| Absent: Supervisor Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
127-93-7

AUG 1 0 1993
Date Approved

_____
Mayor

FILE NO. 121-93-12 ORDINANCE NO. 242-93

(Utility Users Tax, Cellular Telephone Users)

AMENDING THE SAN FRANCISCO MUNICIPAL CODE, PART III, BY AMENDING SECTIONS 701 AND 703 TO APPLY THE TAX TO CELLULAR TELEPHONE USERS, EFFECTIVE SEPTEMBER 1, 1993, AMENDING SECTION 710 TO INCREASE THE INTEREST RATE ASSESSED AGAINST DELINQUENT ACCOUNTS AND MAKING TECHNICAL AMENDMENTS TO SECTION 708 AND 710 TO CLARIFY LIABILITY FOR TAXES IMPOSED BY THIS ARTICLE.

NOTE: Additions are underlined; deletions are in ((double parentheses))

Section 1. Article 10 of Part III of the Municipal Code (Utility Users Tax) is hereby amended by amending Sections 701, 703, 708, and 710 to read as follows:

SEC. 701. DEFINITIONS.

As used in this Article, the following words shall have the meaning ascribed to them in this Section, except as and if the context clearly indicates or requires a different meaning;

(a) "Person" shall mean all natural persons, municipal corporations, domestic and foreign corporations, associations, syndicates, joint stock companies, partnerships of every kind, joint ventures, clubs, Massachusetts business or common law trust and societies.

(b) "Month" shall mean a calendar month.

(c) "Service User" shall mean a person required to pay a tax imposed under the provisions of this Article.

(d) "Service Supplier" shall mean any person required to collect a tax imposed under the provisions of this Article.



(e) "Tax Collector" shall mean the Tax Collector for the City and County of San Francisco.

(f) "Telephone Communication Services" shall mean access to a telephone system and the privilege of telephonic-quality communications with substantially all persons having telephone or radio telephone stations which are part of such telephone system. "Telephone Communication Services" shall not include land mobile services or maritime mobile services as defined in Section 2.1 of Title 47 of the Code of Federal Regulations, as said Section existed on January 1, 1970. Notwithstanding this exclusion, "telephone communication services" shall include cellular telephone and enhanced specialized mobile radio communication services.

(g) "City and County" shall mean the City and County of San Francisco.

(h) "Electrical corporation,""gas corporation," and "telephone corporation" shall have the same meanings as defined in Sections 218, 222 and 234, respectively, of the Public Utilities Code of the State of California.

(i) "Water Corporation" shall mean and include every corporation or person including the City and County owning, controlling, operating or managing any water system for compensation within the State of California.

(j) "Controller" shall mean the Controller of the City and County of San Francisco.



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SEC. 703. TELEPHONE USERS TAX.

(a) There is hereby imposed a tax upon every person, other than a telephone corporation, using intrastate telephone communication services in the City and County. The tax imposed by this Section shall be at the rate of five percent of the charges made for such services, including minimum charges for services; provided, however, that for the periods set forth below, the tax imposed by this Section shall be at the rate set forth below of the charges made for such service, including minimum charges for services:

| Tax Period Beginning with Bills Rendered On and After | Rate of Tax |
|---|---|
| January 1, 1977 through June 30, 1977 | 6% |
| July 1, 1977 and thereafter | 5-1/2% |

Provided, however, that on bills rendered on and after January 1, 1983, the tax shall not be applicable to charges made for residential telephone service, as defined in Section 36T of Pacific Bell's tariff schedule. Provided further, however, that for bills rendered on and after January 1, 1984 and each subsequent year, the utility users tax shall continue to be inapplicable to charges made for residential telephone service, as defined in Section 36T of Pacific Bell's tariff schedule only if the Board of Supervisors, no later than the September 15th immediately preceding the ensuing January 1st by resolution so



provides. The tax imposed by this Section shall be paid by the person paying for such services.

(b) The Board of Supervisors hereby rescinds Resolution No. 795-86, which had suspended, for the year commencing January 1, 1987 and ending December 31, 1987, the levy of the utility users tax imposed by this Section on charges made for residential telephone service. The utility users tax imposed by this Section shall be levied on all charges except those exempted under Section 707 for telephone services on bills rendered on or after the effective date of the ordinance adding this subsection.

(c) As used in this Section, the term "charges" shall not include charges for services paid for by inserting coins in coin-operated telephones, except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be included in the base for computing the amount of tax due; nor shall the term "charges" include charges for any type of service or equipment furnished by a service supplier subject to Public Utility regulation during any period in which the same or similar services or equipment are also available for sale or lease from persons other than a service supplier subject to Public Utility regulation. ((; nor shall the words "telephone communication services" include land mobile services or maritime mobile services as defined in Section 2.1 of Title 47 of the Code of Federal Regulations, as said Section existed on January 1,

1970. The term "telephone communication services" refers to that service which provides access to a telephone system and the privilege of telephonic-quality communications with substantially all persons having telephone stations which are part of such telephone system.)) The Telephone User Tax is intended to, and does, apply to all charges billed to a telephone having a situs in the City and County, irrespective of whether a particular telephone call originates and/or terminates within the City and County. In addition, effective September 1, 1993, the Telephone Users Tax is intended to, and does, apply to charges for cellular telephone service or enhanced specialized mobile radio communication service, when the service user has a billing address in the City and County.

(d) The tax imposed by this Section shall be collected from the service user by the person providing the intrastate telephone communication services. The amount of the tax collection in one month shall be remitted to the Tax Collector on or before the last day of the following month.

(e) Notwithstanding the provisions of Subsection (a), the tax imposed under this Section shall not be imposed upon ay person for using intrastate telephone communication services to the extent that the amounts paid for such services are exempt from or not subject to the tax imposed under Section 4251 of Title 26 of the United States Code, as such section existed on the effective date hereof.



708. COLLECTION OF TAX.

(a) Every person receiving payment of charges from a service user shall collect the amount of tax imposed by this Article from the service user.

(b) The tax shall be collected, insofar as practicable, at the same time as and along with the collection of charges made in accordance with the regular billing practice of the service supplier. ((Except in those cases where a service user pays the full amount of said charges but does not pay any portion of the tax imposed by this Article, or where a service user has notified a service supplier that he is refusing to pay the tax imposed by this Article which said service supplier is required to collect.)) If the amount paid by a service user is less than the full amount of the charges and tax which has accrued for the billing period, a proportionate share of both the charge((r))s and the tax shall be deemed to have been paid.

(c) The duty to collect tax from a service user shall commence with bills issued ((the beginning of the first regular billing period applicable to that person which starts)) on or after the operative date of this Article. Where a person receives more than one billing, one or more being for different periods than another, the duty to collect shall arise separately for each billing period.

(d) Any tax required to be paid by a service user under the provisions of this Article shall be deemed a debt owed by the

service user to the City and County. Any such tax required to be collected from a service user which has not been remitted to the Tax Collector shall be deemed a debt owed to the City by the person required to collect and remit. Any person owing money to the City under the provisions of this Article shall be liable to an action brought in the name of the City and County for the recovery of such amount.

SEC. 710. INTEREST AND PENALTY.

(a) Taxes required to be collected from a service user which are not remitted to the Tax Collector on or before the due date provided in this Article are delinquent.

(b) Service Suppliers: Failure by a service supplier to remit any tax herein required to be collected shall result in the following interest and penalties: ((Interest and penalties for delinquency in remittance of any tax collected and not remitted shall be assessed as follows:))

(1) Any service supplier who fails to remit any tax imposed by this Article within 10 days after receipt of written notice from the Tax Collector of such failure shall pay a penalty of 10 percent of the amount of the tax.

(2) If the Tax Collector determines that the nonpayment of any remittance due hereunder is due to fraud, a penalty of 25 percent of the amount of the tax shall be added thereto in addition to the penalty stated in Subparagraph (1) of this Subsection (b).



(3) In addition to the penalties imposed in this Subsection (b), any service supplier who fails to remit any tax imposed by this Article, shall pay interest at the rate of ((one-half of)) one percent per month, or fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(4) Every penalty imposed upon a service supplier, and such interest as accrues under the provisions of this subsection (b), shall become a part of the Tax required to be remitted.

(c) Service Users: Failure by a service user to pay any tax herein imposed shall result in the following interest and penalties on the service user:

(1) Any service user who fails to pay any tax imposed by this Article within 120 days of the date of the receipt of notice of the amount of tax due from the service supplier shall pay a penalty of 10 percent of the amount of the tax.

(2) Any service user who fails to pay any delinquent remittance on or before a period of 180 days of the date of the receipt of notice of the amount of tax due from the service supplier shall pay a second delinquency penalty of 10 percent of the amount of the tax and the 10 percent penalty first imposed.

(3) In addition to the penalties imposed in this Subsection (c), any service user who fails to pay any tax imposed by this Article shall pay interest at the rate of ((six percent per annum)) one percent per month, exclusive of penalties, from the

date on which the remittance first became delinquent until paid, and a collection charge of ((~~$10~~)) $25 for each delinquent account.

(4) Every penalty imposed upon a service user, and such interest as accrues, under the provisions of this Subsection (c) shall become a part of the tax required to be paid.

(5) The penalties, interest and collection charges imposed in this Subsection (c) shall not be collected by the service supplier, but shall be determined and collected by the City and County as set forth hereinafter.

(d) Every penalty imposed and such interest as accrues under the provisions of this Section shall become a part of the the tax herein required to be paid.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

SUPERVISOR MIGDEN
5575g

6/7/93
Page 9 of 9

BOARD OF SUPERVISORS



Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisor Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
127-93-12

AUG 1 0 1993
Date Approved

_____
Mayor

FILE NO. 203-93-1 ORDINANCE NO. 263-93

(Quitclaim Deed)

AUTHORIZING AND DIRECTING EXECUTION OF QUITCLAIM DEED BY CITY AND COUNTY OF SAN FRANCISCO TO SAN FRANCISCO UNIFIED SCHOOL DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA, FOR HIGH SCHOOL OF COMMERCE AND INDUSTRY SITE, AND ADOPTING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1.

Be It Ordained By the People of the City and County of San Francisco that:

SECTION 1. The City and County of San Francisco acquired the High School of Commerce and Industry Site for school purposes and holds legal title to the High School of Commerce and Industry Site as a mere passive trustee, without any power or control in the management thereof, and the beneficial owner of the fee title to the High School of Commerce and Industry Site is the State of California.

SECTION 2. The power to manage and control the High School of Commerce and Industry Site is vested in the governing board of the San Francisco Unified School District.

SECTION 3. The City's interest in the High School of Commerce and Industry Site is of no value.

SECTION 4. The Department of City Planning reported on February 10, 1993 that the transfer of legal title to the High School of Commerce and Industry Site by quitclaim deed from the City and County of San Francisco to the San Francisco United School District is in conformity with the City's Master Plan and consistent with the Eight Priority Policies of City Planning Code Section



101.1, a copy of which is on file with the Clerk of the Board of Supervisors.

SECTION 5. The Board of Supervisors adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Department of City Planning, by its letter dated February 10, 1993, that such conveyance is in conformity with the City's Master Plan and consistent with the Eight Priority Policies of City Planning Code Section 101.1.

SECTION 6. The Mayor and the Clerk of the Board of Supervisors of the City and County of San Francisco are hereby authorized to execute and the Director of Property shall deliver a quitclaim deed to the San Francisco Unified School District, transferring the City's legal title to the real property including improvements thereon known as the High School of Commerce and Industry, located at 350 Broadway Street, described as Block 143, Lot 3, as such property is more particularly described in the Quitclaim Deed on file with the Clerk of the Board of Supervisors (the "High School of Commerce and Industry").

RECOMMENDED:

Director of Property

DESCRIPTIONS APPROVED/CHECKED:

City Engineer

APPROVED AS TO FORM;
Louise H. Renne, City Attorney

By _____
Deputy City Attorney

RH:ic:\SHBC1442.LBO

(Real Estate)



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Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 26, 1993 | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisor Maher | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
203-93-1

AUG 1 0 1993
Date Approved

Frank M. Jordan
Mayor

Amendment of the Whole 7/26/93

FILE NO. 106-93-6

ORDINANCE NO. 264-93

(PAY EQUITY LEGALLY MANDATED ADJUSTMENTS)

PROVIDING FOR PAY EQUITY ADJUSTMENTS TO THE SCHEDULES OF COMPENSATION FOR PERSONS EMPLOYED BY THE CITY AND COUNTY OF SAN FRANCISCO, THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT AND THE SAN FRANCISCO COMMUNITY COLLEGE DISTRICT EFFECTIVE JULY 1, 1993, AS PROVIDED FOR IN CHARTER SECTION 8.407-1 AND CONTRACTUALLY MANDATED BY MEMORANDA OF UNDERSTANDING.

Be it ordained by the People of the City and County of San Francisco:

Section 1. San Francisco Charter section 8.407-1 provides for, and Memoranda of Understanding approved by the Mayor on July 29, 1991 and ratified by the board of supervisors on September 3, 1991 by Resolution No. 763-91 mandate that pay equity adjustments be made for fiscal year 1993-94. Accordingly, pursuant to sction 8.407-1 and those Memoranda of Understanding, the board of supervisors hereby adopts this ordinance making the adjustments set forth in Section 2. In adopting this ordinance the board of supervisors is not fixing wages pursuant to Charter sections 8.401, 8.407 or 8.409-1 et. seq.

Section 2. The following pay equity adjustments listed and attached as Exhibit A, pgs. one through six are hereby adopted.

APPROVED AS TO FORM:
LOUISE H. RENNE
CITY ATTORNEY

Julia A. Clayton
Deputy City Attorney

94441

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

| Passed for Second Reading | | Finally Passed |
|---|---|---|
| July 26, 1993 | | August 2, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Kennedy Leal Migden Shelley | | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley |
| Absent: Supervisor Maher | | Absent: Supervisors Hsieh Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

AUG 12 1993
~~AUG 10 1993~~
Date Approved

File No.
106-93-6

Frank M. Jordan
Mayor

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ERRATA

To correct File No. 97-93-6, Ordinance No 265-93, the Sunshine Ordinance by correcting the entire chapter number to Chapter 67. The title should read as follows:

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING CHAPTER 67 THERETO TO PROVIDE GREATER PUBLIC ACCESS TO CITY RECORDS AND TO MEETINGS OF CITY BOARDS, COMMISSIONS AND COMMITTEES AND BY DELETING SECTIONS 16.5 and 16.5.1, RELATING TO PUBLIC MEETINGS AND ESTABLISHING A TASK FORCE ON THE IMPLEMENTATION OF THE SAN FRANCISCO SUNSHINE ORDINANCE.

John L. Taylor
John L. Taylor
Clerk of the Board
August 19, 1993

BOARD OF SUPERVISORS



FILE NO. 97-93-6 ORDINANCE NO. 265-93

[Public Meetings and Records]

ejp AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING CHAPTER 67 THERETO TO PROVIDE GREATER PUBLIC ACCESS TO CITY RECORDS AND TO MEETINGS OF CITY BOARDS, COMMISSIONS AND COMMITTEES AND BY DELETING SECTIONS 16.5 AND 16.5.1, RELATING TO PUBLIC MEETINGS AND ESTABLISHING A TASK FORCE ON THE IMPLEMENTATION OF THE SAN FRANCISCO SUNSHINE ORDINANCE.

Note: This entire chapter is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby ejp amended by adding Chapter 67 thereto to read as follows:

ejp CHAPTER 67 THE SAN FRANCISCO SUNSHINE ORDINANCE

ARTICLE I

ejp IN GENERAL

SEC. 67.1 Findings and Purpose.

The Board of Supervisors finds and declares:

(a) Government's duty is to serve the public, reaching its decisions in full view of the public.

(b) Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance will assure that their deliberations are conducted before the people and that City operations are open to the people's review.



BOARD OF SUPERVISORS

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(c) Although that is the intent also of California's Ralph M. Brown Act and Public Records Act, the people of California have learned from costly experience that every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New civic issues and new governmental procedures also can erode the public's fundamental rights. Violations of open government principles occur at all levels, from local advisory boards to the highest reaches of the state hierarchy.

(d) It is time for San Francisco to reaffirm the plain purpose of the state's open government laws and to apply their underlying principles to local circumstances. No law is self-enforcing. Continued vigilance is essential. As government evolves, so must the laws designed to assure that the process remains visible.

(e) The people of San Francisco want an open society. They do not give their public servants the right to decide what they should know. The public's right to know is as fundamental as its right to vote. To act on truth, the people must be free to learn the truth.

(f) The sun must shine on all the workings of government so the people may put their institutions right when they go wrong. San Francisco enacts this ordinance to assure that, in general intent as well as in administrative procedure, the people of this City remain in control of the government they created.



ejp

SEC. 67.2 Citation. This Chapter may be cited as the San Francisco Sunshine Ordinance.

ARTICLE II

ejp PUBLIC ACCESS TO MEETINGS

SEC. 67.3 Definitions. Whenever in this Article the following words or phrases are used, they shall mean:

(a) "City" shall mean the City and County of San Francisco.

(b) "Meeting" shall mean any of the following:

(1) a congregation of a majority of the members of a policy body at the same time and place;

(2) a series of gatherings, each of which involves less than a majority of a policy body, to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the City, if the cumulative result is that a majority of members has become involved in such gatherings; or

(3) any other use of personal intermediaries or communications media that could permit a majority of the members of a policy body to become aware of an item of business and of the views or positions of other members with respect thereto, and to negotiate consensus thereupon.

(4) "Meeting" shall not include any of the following:

(A) individual contacts or conversations between a member of a policy body and a constituent which do not convey to the member the views or positions of other members upon the subject matter of the contact or conversation and in which the member does

not solicit or encourage the restatement of the views of the other members;

(B) the attendance of a majority of the members of a policy body at a regional, statewide or national conference, or at a meeting organized to address a topic of local community concern and open to the public, provided that a majority of the members refrains from using the occasion to collectively discuss the topic of the gathering or any other business within the subject matter jurisdiction of the City; or

(C) the attendance of a majority of the members of a policy body at a purely social, recreational or ceremonial occasion other than one sponsored or organized by or for the policy body itself, provided that a majority of the members refrains from using the occasion to discuss any business within the subject matter jurisdiction of this body. A meal gathering of a policy body before, during or after a business meeting of the body is part of that meeting and shall be conducted only under circumstances that permit public access to hear and observe the discussion of members. Such meetings shall not be conducted in restaurants or other accommodations where public access is possible only in consideration of making a purchase or some other payment of value.

(D) the proceedings of any committee having responsibility for the evaluation and improvement of the quality of medical care, mental services, or any other type of health services provided by the City or City-funded providers, including but not



limited to committees described in Evidence Code sections 1156 et seq.

(E) proceedings of the Department of Social Services Child Welfare Placement and Review Committee or similar committees which exist to consider confidential information and make decisions regarding Department of Social Services clients.

(c) "Policy Body" shall mean:

(1) the Board of Supervisors;

(2) any other board or commission established by the charter or by ordinance or resolution of the Board of Supervisors; or

(3) any advisory commission, committee or body of the City, created by the initiative of a policy body.

(4) any standing committee of the a policy body irrespective of its composition.

A Policy Body shall not include a committee which consists solely of employees of the City and County of San Francisco.

ejp

SEC. 67.4. Passive Meetings.

(a) Gatherings as defined in subdivision (5), which shall be known as "passive meetings" shall be accessible to individuals upon inquiry and to the extent possible consistent with the facilities in which they occur.

(1) Such gatherings need not be formally noticed, although the time, place and nature of the gathering shall be disclosed upon inquiry by a member of the public, and any agenda actually prepared for the gathering shall be accessible to such inquirers as a public

record.

(2) Such gatherings need not be conducted in any particular space for the accommodation of spectators, although spectators shall be permitted to observe on a space available basis consistent with legal and practical restrictions on occupancy.

(3) Such gatherings of a business nature need not provide opportunities for comment by spectators, although the person presiding may, in his or her discretion, entertain such questions or comments from spectators as may be relevant to the business of the gathering.

(4) Such gatherings of a social or ceremonial nature need not provide refreshments to spectators.

(5) Gatherings subject to this subsection are the following: advisory committees created in writing by the initiative of a member of a policy body, the Mayor, the Chief Administrative Officer or a department head and social, recreational or ceremonial occasions sponsored or organized by or for a policy body to which a majority of the body has been invited. This subsection shall not apply to a committee which consists solely of employees of the City and County of San Francisco.

(6) Gatherings defined in subdivision (5) may hold closed sessions under any circumstances allowed by this Article or the Ralph M. Brown Act.

(b) To the extent not inconsistent with state or federal law, a policy body shall include in any contract with an entity that



owns, operates or manages any property in which the City has or will have an ownership interest, including a mortgage, and on which the entity performs a government function related to the furtherance of health, safety or welfare, a requirement that any meeting of the governing board of the entity to address any matter relating to the property or its government related activities on the property, be conducted as provided in subdivision (a) of this section.

ejp SEC. 67.5. Meetings To Be Open And Public; Application Of Brown Act. All meetings of any policy body shall be open and public, and governed by the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et. seq.) and of this article. In case of inconsistent requirements under the Brown Act and this article, the requirement which would result in greater or more expedited public access shall apply.

ejp SEC. 67.6 Conduct Of Business; Time And Place For Meetings.

(a) Each policy body, except for advisory bodies, shall establish by resolution or motion the time and place for holding regular meetings.

(b) Unless otherwise required by state or federal law or necessary to inspect real property or personal property which cannot be conveniently brought within the territory of the City and County of San Francisco or to meet with residents residing on property owned by the City, or to meet with residents of another jurisdiction to discuss actions of the policy body that affect those residents, all meetings of its policy bodies shall be held within the City and

County of San Francisco.

(c) If a regular meeting would otherwise fall on a holiday, it shall instead be held on the next business day.

(d) If, because of fire, flood, earthquake or other emergency, it would be unsafe to meet in the customary location, the meetings may be held for the duration of the emergency at some other place specified by the policy body. The change of meeting site shall be announced, by the most rapid means of communication available at the time, in a notice to the local media who have requested written notice of special meetings pursuant to Government Code Section 54956.

(e) Meetings of advisory bodies as specified in section 66.3(c)(3) of this article shall be preceded by notice delivered personally or by mail at least 24 hours before the time of such meeting to each person who has requested, in writing, notice of such meeting. If the advisory body elects to hold regular meetings, it shall provide by bylaws, or whatever other rule is utilized by that advisory body for the conduct of its business, for the time and place for holding such regular meetings. In such case, no notice of regular meetings, other than the posting of an agenda pursuant to Section 67.7 of this article in the place used by the policy body or executive officer which it advises, is required.

(f) Special meetings of any policy body, including advisory bodies that choose to establish regular meeting times, may be called at any time by the presiding officer thereof or by a majority of the



members thereof, by delivering personally or by mail written notice to each member of the board or commission and to each local newspaper, radio or television station requesting notice in writing.

Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the board or commission.

Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the secretary of the board or commission a written waiver of notice. Such waiver may be given by telegram.

Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

Each special meeting shall be held at the regular meeting place of the policy body except that the policy body may designate an alternate meeting place provided that such alternate location is specified in the call and notice of the special meeting; further provided that the call and notice of the special meeting shall be given at least 15 days prior to said special meeting being held at an alternate location. This provision shall not apply where the alternative meeting location is located within the same building as the regular meeting place.

SEC. 6~~6~~.7 Agenda Requirements; Regular Meetings.

(a) At least 72 hours before a regular meeting, a policy body shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting.

(b) A description is meaningful if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. The description should be brief, concise and non-technical. It may refer to explanatory documents, such as correspondence or reports, posted adjacent to the agenda or, if such documents are of more than one page in length, available for public inspection and copying at a stated location during normal office hours.

(c) The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.

(d) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a policy body may respond to statements made or questions posed by persons exercising their public testimony rights, to the extent of asking a question for clarification, providing a reference to staff or other resources for factual information, or requesting staff to report back to the body at a subsequent meeting concerning the matter raised by such testimony.

(e) Notwithstanding subdivision (d), the policy body may take



action on items of business not appearing on the posted agenda under any of the following conditions:

(1) Upon a determination by a majority vote of the body that an accident, natural disaster or work force disruption poses a threat to public health and safety.

(2) Upon a good faith, reasonable determination by a two-thirds vote of the body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that (A) the need to take immediate action on the item is so imperative as to threaten serious injury to the public interest if action were deferred to a subsequent special or regular meeting, or relates to a purely commendatory action, and (B) that the need for such action came to the attention of the body subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(f) Each board and commission enumerated in the charter shall ensure that agendas for each regular and special meeting are made available to speech and hearing-impaired persons through telecommunications devices for the deaf, telecommunications relay services or equivalent systems, and, upon request, to sight-impaired persons through Braille or enlarged type.

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SEC. 67.8. Agenda Disclosures: Closed Sessions.

(a) In addition to the brief general description of items to be discussed or acted upon in open and public session, the agenda posted pursuant to Government Code Section 54954.2, any mailed notice given pursuant to Government Code Section 54954.1, and any call and notice delivered to the local media and posted pursuant to Government Code Section 54956 shall specify and disclose the nature of any closed sessions by providing all of the following information:

(1) With respect to a closed session held pursuant to Government Code Section 54956.7:

LICENSE/PERMIT DETERMINATION:

_____applicant(s)

The space shall be used to specify the number of persons whose applications are to be reviewed.

2) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property:

_____

Person(s) negotiating:

_____

Under negotiation:

Price___ Terms of payment___ Both___

The space under "Property" shall be used to list an address or other description or name which permits a reasonably ready



identification of each parcel or structure subject to negotiation. The space under "Person(s) negotiating" shall be used to identify the person or persons with whom negotiations concerning that property are in progress. The spaces under "Under negotiation" shall be checked off as applicable to indicate which issues are to be discussed.

(3) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.9, either:

CONFERENCE WITH LEGAL COUNSEL

Existing litigation:

_____

_____Unspecified to protect service of process

_____Unspecified to protect settlement posture

or:

CONFERENCE WITH LEGAL COUNSEL

Anticipated litigation:

_____As defendant _____As plaintiff

The space under "Existing litigation" shall be used to specifically identify a case under discussion pursuant to subdivision (a) of Government Code Section 54956.9, unless the identification would jeopardize the City's ability to effectuate service of process upon one or more unserved parties, in which instance the space in the next succeeding line shall be checked, or unless the identification would jeopardize the City's ability to

conclude existing settlement negotiations to its advantage, in which instance the space in the next succeeding line shall be checked. If the closed session is called pursuant to subdivision (b) or (c) of Section 54956.9, the appropriate space shall be checked under "Anticipated litigation" to indicate the City's anticipated position as defendant or plaintiff respectively. If more than one instance of anticipated litigation is to be reviewed, space may be saved by entering the number of separate instances in the "As defendant" or "As plaintiff" spaces or both as appropriate. The disclosure required by this section for anticipated litigation shall not apply to boards and commissions whose closed sessions are governed by charter section 3.500(f), except for the Board of Supervisors, unless and until a charter amendment is adopted repealing the provisions of that section relating to closed sessions.

(4) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54957, either:

THREAT TO PUBLIC SERVICES OR FACILITIES

Name, title and agency of law enforcement officer(s) to be conferred with: _____

_____

or:

PUBLIC EMPLOYEE APPOINTMENT/HIRING

Title/description of position(s) to be filled:

_____

/ / /



PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Position and, in the case of a routine evaluation, name of employee(s) being evaluated:

_____

or:

PUBLIC EMPLOYEE DISMISSAL

Number of employees affected:

_____

or:

(5) With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54957.6, either:

CONFERENCE WITH NEGOTIATOR -- COLLECTIVE BARGAINING

Name and title of City's negotiator:

_____

Organization(s) representing:

____ Police officers, firefighters and airport police

____ Transit Workers

____ Nurses

____ Miscellaneous Employees

_____

Anticipated issue(s) under negotiation:

___ Wages

___ Hours

___ Benefits

___ Working Conditions

___ Other (specify if known)

___ All

Where renegotiating a memorandum of understanding or negotiating a successor memorandum of understanding, the name of the memorandum of understanding:

_____

In case of multiple items of business under the same category, lines may be added and the location of information may be reformatted to eliminate unnecessary duplication and space, so long as the relationship of information concerning the same item is reasonably clear to the reader. As an alternative to the inclusion of lengthy lists of names or other information in the agenda, or as a means of adding items to an earlier completed agenda, the agenda may incorporate by reference separately prepared documents containing the required information, so long as copies of those documents are posted adjacent to the agenda within the time periods required by Government Code Sections 54954.2 and 54956 and provided with any mailed or delivered notices required by Sections 54954.1 or 54956.

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SEC. 67.9. Agendas And Related Materials: Public Records.

(a) Agendas of meetings and any other documents on file with the clerk of the policy body, when intended for distribution to all, or a majority of all, of the members of a policy body in connection with a matter anticipated for discussion or consideration at a



public meeting shall be made available to the public. However, this disclosure need not include any material exempt from public disclosure under Government Code Sections 6253.5, 6254, or 6254.7.

(b) Records which are subject to disclosure under subdivision (a) and which are intended for distribution to the body prior to commencement of a public meeting shall be made available for public inspection and copying upon request prior to commencement of such meeting, whether or not actually distributed to or received by the body at the time of the request.

(c) Records which are subject to disclosure under subdivision (a) and which are distributed during a public meeting but prior to commencement of their discussion shall be made available for public inspection prior to commencement of, and during, their discussion.

(d) Records which are subject to disclosure under subdivision (a) and which are distributed during their discussion at a public meeting shall be made available for public inspection immediately or as soon thereafter as is practicable.

(e) A policy body may charge a duplication fee of one cent per page for a copy of a public record prepared for consideration at a public meeting, unless a special fee has been established pursuant to the procedure set forth in section 67.29(d). Neither this section nor the California Public Records Act (Government Code sections 6250 et seq.) shall be construed to limit or delay the public's right to inspect any record required to be disclosed by that act, whether or not distributed to a policy body.

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SEC. 67.10 Closed Sessions: Public Facilities And Employees. A policy body may hold closed sessions:

(a) With the Attorney General, district attorney, sheriff, or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities.

(b) To consider the appointment, employment, evaluation of performance, or dismissal of a City employee, if the policy body has the authority to appoint, employ, or dismiss the employee, or to hear complaints or charges brought against the employee by another person or employee unless the employee complained of requests a public hearing. The body may exclude from any such public meeting, and shall exclude from any such closed meeting, during the comments of a complainant, any or all other complainants in the matter. The term "employee" shall not include any elected official, member of a policy body or applicant for such a position, or person providing services to the City as an independent contractor or the employee thereof, including but not limited to independent attorneys or law firms providing legal services to the City for a fee rather than a salary.

(c) This section shall not apply to boards and commissions whose closed sessions are governed by charter section 3.500(f), except for the Board of Supervisors, unless and until a charter amendment is adopted repealing the provisions of that section relating to closed sessions.



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SEC. 67.11. Closed Sessions: Pending Litigation.

(a) A policy body, based on advice of its legal counsel, and on a motion and vote in open session to assert the attorney-client privilege, may hold a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the City in that litigation.

(b) Litigation shall be considered pending when any of the following circumstances exist:

(1) An adjudicatory proceeding before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator, to which the City is a party, has been initiated formally.

(2) A point has been reached where, in the opinion of the policy body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City, or the body is meeting only to decide whether a closed session is authorized pursuant to that advice or, based on those facts and circumstances, the body has decided to initiate or is deciding whether to initiate litigation.

(c) A closed session may not be held under this section to consider the qualifications or engagement of an independent contract attorney or law firm, for litigation services or otherwise.

(d) Prior to holding a closed session pursuant to this section, the policy body shall disclose the justification for its

closure either by entries in the appropriate categories on the agenda or, in the case of an item added to the agenda based on a finding of necessity and urgency, by an oral announcement specifying the same information.

(e) This section shall not apply to boards and commissions whose closed sessions are governed by charter section 3.500(f), except for the Board of Supervisors, unless and until a charter amendment is adopted repealing the provisions of that section relating to closed sessions.

ejp SEC. 67.12. Closed Sessions: Employee Salaries And Benefits.

(a) A policy body with authority over matters within the scope of collective bargaining or meeting and conferring with public employee organizations may hold closed sessions with the City's designated representatives regarding such matters. Closed sessions shall be for the purpose of reviewing the City's position and instructing its designated representatives and may take place solely prior to and during active consultations and discussions between the City's designated representatives and the representatives of employee organizations or the unrepresented employees. A policy body shall not discuss compensation or other contractual matters in closed session with one or more employees directly interested in the outcome of the negotiations.

(b) In addition to the closed sessions authorized by subdivision (a), a policy body subject to Government Code Section 3501 may hold closed sessions with its designated representatives on



mandatory subjects within the scope of representation of its represented employees, as determined pursuant to Section 3504.

ejp SEC. 67.13. Statement Of Reasons For Closed Sessions.

Prior to any closed session, a policy body shall state the general reason or reasons for the closed session, and may cite the statutory authority, including the specific section and subdivision, or other legal authority under which the session is being held. In the closed session, the policy body may consider only those matters covered in its statement. In the case of regular and special meetings, the statement shall be made in the form of the agenda

ejp disclosures and specifications required by Section 67.8 of this article. In the case of adjourned and continued meetings, the statement shall be made with the same disclosures and specifications

ejp required by Section 67.8 of this article, as part of the notice provided for the meeting. In the case of an item added to the agenda as a matter of urgent necessity, the statement shall be made prior to the determination of urgency and with the same disclosures and specifications as if the item had been included in the agenda

ejp pursuant to Section 67.8 of this article. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

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SEC. 67.14. Disclosure Of Closed Session Discussions and Actions.

(a) After every closed session, a policy body may in its discretion and in the public interest, disclose to the public any portion of its discussion which is not confidential under federal or state law, the Charter, or non-waivable privilege. The body shall, by motion and vote in open session, elect either to disclose no information or to disclose the information which a majority deems to be in the public interest. The disclosure shall be made through the presiding officer of the body or such other person, present in the closed session, whom he or she designates to convey the information.

(b) A policy body shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

(1) Real Property Negotiations: Approval given to the body's negotiator concerning real estate negotiations pursuant to Government Code Section 54956.8 shall be reported as soon as the agreement is final. If its own approval renders the agreement final, the body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval rests with the other party to the negotiations, the body shall disclose the fact of that approval, the substance of the agreement and the body's vote or votes thereon upon inquiry by any person, as soon as the other party or its agent has informed the body of its approval. If notwithstanding the final approval there



are conditions precedent to the final consumation of the transaction, or there are multiple contiguous or closely located properties that are being considered for acquisition, the document referred to in subdivision (b) of this section need not be disclosed until the condition has been satisfied or the agreement has been reached with respect to all the properties, or both.

(2) Litigation: Direction or approval given to the body's legal counsel to prosecute, defend or seek or refrain from seeking appellate review or relief, or to otherwise enter as a party, intervenor or amicus curiae in any form of litigation as the result of a consultation under Government Code Section 54956.9 shall be reported in open session as soon as given, or at the first meeting after an adverse party has been served in the matter if immediate disclosure of the City's intentions would be contrary to the public interest. The report shall identify the adverse party or parties, any co-parties with the City, any existing claim or order to be defended against or any factual circumstances or contractual dispute giving rise to the City's complaint, petition or other litigation initiative. This section shall not apply to boards and commissions whose closed sessions are governed by charter section 3.500(f), except for the Board of Supervisors, unless and until a charter amendment is adopted repealing the provisions of that section relating to closed sessions.

(3) Settlement: A policy body shall neither solicit nor agree to any term in a settlement which would preclude the release,

upon request by the public, of the text of the settlement itself and any related documentation communicated to or received from the adverse party or parties. Where the disclosure of documents in a litigation matter that has been settled could affect litigation on a closely related case, the documents required to be disclosed by subdivision (b) of this section need not be disclosed until the closely related case is settled or otherwise finally concluded. This section shall not be applicable to the Airports Commission, the Port Commission or the Public Utilities Commission.

(4) Employee Actions: Action taken to appoint, employ, dismiss, transfer or accept the resignation of a public employee in closed session pursuant to Government Code Section 54957 shall be reported immediately in a manner that names the employee, the action taken and position affected and, in the case of dismissal for a violation of law or of the policy of the City, the reason for dismissal. "Dismissal" within the meaning of this ordinance includes any termination of employment at the will of the employer rather than of the employee, however characterized. The proposed terms of any separation agreement shall be immediately disclosed as soon as presented to the body, and its final terms shall be immediately disclosed upon approval by the body. Except for information required to be disclosed by the Ralph M. Brown Act, this section shall not apply to boards and commissions whose closed sessions are governed by charter section 3.500(f), except for the Board of Supervisors, unless and until a charter amendment is



adopted repealing the provisions of that section relating to closed sessions.

(b) Reports required to be made immediately may be made orally or in writing, but shall be supported by copies of any contracts, settlement agreements, or other documents related to the transaction that were finally approved or adopted in the closed session and that embody the information required to be disclosed by immediate report, provided to any person who requested such copies in a written request submitted within 24 hours of the posting of the agenda, or who has made a standing request for all such documentation as part of a request for notice of meetings pursuant to Government Code Sections 54944.1 or 54946.

(c) A written summary of the information required to be immediately reported pursuant to this section, or documents embodying that information, shall be posted by the close of business on the next business day following the meeting, in the place where the meeting agendas of the body are posted.

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SEC. 67.15. Barriers To Attendance Prohibited.

(a) No policy body shall conduct any meeting, conference or other function in any facility that excludes persons on the basis of actual or presumed class identity or characteristics, or which is inaccessible to persons with physical disabilities, or where members of the public may not be present without making a payment or purchase. Whenever the Board of Supervisors, or a board or commission enumerated in the charter, or a permanent sub-quorum

committee of the governing board or commission anticipates that the number of persons attending the meeting will exceed the legal capacity of the meeting room, any public address system used to amplify sound in the meeting room shall be extended by supplementary speakers to permit the overflow audience to listen to the proceedings in an adjacent room or passageway, unless such supplementary speakers would disrupt the operation of a City office.

(b) Each board and commission enumerated in the charter shall provide sign language interpreters or note-takers at each regular meeting, providing that a request for such services is communicated to the secretary to the board or commission at least 72 hours before the meeting.

(c) Each board and commission enumerated in the charter shall ensure that accessible seating for persons with disabilities, including those using wheelchairs, is made available for each regular and special meeting.

(d) Each board and commission enumerated in the charter shall include on the agenda for each general and special meeting the following statement: "In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals."

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SEC. 67.16. Tape Recording, Filming And Still Photography.

(a) Any person attending an open and public meeting of a policy body shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera, or to broadcast the proceedings, in the absence of a reasonable finding of the policy body that the recording or broadcast cannot continue without such noise, illumination or obstruction of view as to constitute a persistent disruption of the proceedings.

(b) Each board and commission enumerated in the charter shall tape record each regular and special meeting. Each such tape recording, and any audio or video tape recording of a meeting of any other policy body made at the direction of the policy body shall be a public record subject to inspection pursuant to the California Public Records Act (Government Code Section 6250 et seq.), and shall not be erased or destroyed for at least seven calendar days, provided that if during that seven day period a written request for inspection or copying of that record is made, the tape shall not be destroyed or erased until the requested inspection or copying has been accomplished. Inspection of any such video or tape recording shall be provided without charge on a tape recorder made available by the City.

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67.17. Public Testimony At Regular And Certain Special Meetings.

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address a policy

body on items of interest to the public that are within policy body's subject matter jurisdiction, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by section 67.7(e) of this article. However, in the case of a meeting of the Board of Supervisors, the agenda need not provide an opportunity for members of the public to address the Board on any item that has already been considered by a committee, composed exclusively of members of the Board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the Board.

(b) Every agenda for special meetings at which action is proposed to be taken on an item shall provide an opportunity for each member of the public to directly address the body concerning that item prior to action thereupon.

(c) A policy body may adopt reasonable regulations to ensure that the intent of subdivisions (a) and (b) are carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Each policy body shall adopt a rule providing that each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for up to three minutes.



(d) A policy body shall not abridge or prohibit public criticism of the policy, procedures, programs or services of the City, or of any other aspect of its proposals or activities, or of the acts or omissions of the body, on the basis that the performance of one or more public employees is implicated, or on any basis other than reasonable time constraints adopted in regulations pursuant to subdivision (c) of this section.

SEC 67.18. Minutes. The clerk of the Board of Supervisors and the clerk of each board and commission enumerated in the charter shall record the minutes for each regular and special meeting of the board or commission. The minutes shall state the time the meeting was called to order, the names of the members attending the meeting, the roll call vote on each matter considered at the meeting, the time the board or commission began and ended any closed session, a list of those members of the public who spoke on each matter if the speakers identified themselves, whether such speakers supported or opposed the matter and the time the meeting was adjourned. The draft minutes of each meeting shall be available for inspection and copying upon request no later than ten working days after the meeting. The officially adopted minutes shall be available for inspection and copying upon request no later than ten working days after the meeting at which the minutes are adopted. Upon request, minutes required to be produced by this section shall be made available in Braille or increased type size.

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SEC. 67.19. Public Comment By Members Of Policy Bodies.

Every member of a policy body retains the full constitutional rights of a citizen to comment publicly on the wisdom or propriety of government actions, including those of the policy body of which he or she is a member. Policy bodies shall not sanction, reprove or deprive members of their rights as elected or appointed officials for expressing their judgments or opinions, including those which deal with the perceived inconsistency of non-public discussions, communications or actions with the requirements of state or federal law or of this ordinance. The release of specific factual information made confidential by state or federal law including, but not limited to, the privilege for confidential attorney-client communications, may be the basis for a request for injunctive or declaratory relief, of a complaint to the Mayor seeking an accusation of misconduct, or both.

ARTICLE III

PUBLIC INFORMATION

ejp SEC. 67.20. Definitions. Whenever in this article the following words or phrases are used, they shall mean:

(a) "Department" shall mean a department of the City and County of San Francisco.

(b) "Public Information" shall mean the content of "public records" as defined in the California Public Records Act (Government Code Section 6252), whether provided in documentary form or in an oral communication.



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SEC. 67.21. Release Of Documentary Public Information.

(a) Release of documentary public information, whether for inspection of the original or by providing a copy, shall be governed by the California Public Records Act (Government Code Section 6250 et seq.) in any particulars not addressed by this article.

(b) Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated, plus the direct costs of equipment, supplies and labor costs associated with duplicating the electronic file which is requested. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is intertwined with information not subject to disclosure under the California Public Records Act and this ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law.

ejp SEC. 67.22. Release Of Oral Public Information. Release of oral public information shall be accomplished as follows:

(a) Every department head shall designate a person or persons knowledgable about the affairs of the department, to provide information, including oral information, to the public about the

department's operations, plans, policies and positions. The department head may designate himself or herself for this assignment, but in any event shall arrange that an alternate be available for this function during the absence of the person assigned primary responsibility. If a department has multiple bureaus or divisions, the department may designate a person or persons for each bureau or division to provide this information.

(b) The role of the person or persons so designated shall be to provide information on as timely and responsive a basis as possible to those members of the public who are not requesting information from a specific person. This section shall not be interpreted to curtail existing informal contacts between employees and members of the public when these contacts are occasional, acceptable to the employee and the department, not disruptive of his or her operational duties and confined to accurate information not confidential by law.

(c) No employee shall be required to respond to an inquiry or inquiries from an individual if it would take the employee more than fifteen minutes to obtain the information responsive to the inquiry or inquiries.

(d) Public employees shall not be discouraged from or disciplined for the expression of their personal opinions on any matter of public concern while not on duty, so long as the opinion (1) is not represented as that of the department and does not misrepresent the department position; and (2) does not disrupt



coworker relations, impair discipline or control by superiors, erode a close working relationship premised on personal loyalty and confidentiality, interfere with the employee's performance of his or her duties or obstruct the routine operation of the office in a manner that outweighs the employee's interests in expressing that opinion. In adopting this subdivision, the Board of Supervisors intends merely to restate and affirm court decisions recognizing the First Amendment rights enjoyed by public employees. Nothing in this section shall be construed to provide rights to City employees beyond those recognized by courts, now or in the future, under the First Amendment, or to create any new private cause of action or defense to disciplinary action.

ejp SEC. 67.23. Public Review File -- Policy Body Communications.

(a) The clerk of the Board of Supervisors and the clerk of each board and commission enumerated in the charter shall maintain a file, accessible to any person during normal office hours, containing a copy of any letter, memorandum or other communication which the clerk has distributed to or received from a quorum of the policy body concerning a matter calendared by the body within the previous 30 days or likely to be calendared within the next 30 days, irrespective of subject matter, origin or recipient, except commercial solicitations, periodical publications or communications exempt from disclosure under the California Public Records Act (Government Code Section 6250 et seq.) and not deemed disclosable

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under Section section 67.24 of this article.

(b) Communications, as described in subsection (a), sent or received in the last three business days shall be maintained in chronological order in the office of the department head or at a place nearby, clearly designated to the public. After documents have been on file for two full days, they may be removed, and, in the discretion of the board or commission, placed in a monthly chronological file.

(c) Multiple-page reports, studies or analyses which are accompanied by a letter or memorandum of transmittal need not be included in the file so long as the letter or memorandum of transmittal is included.

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SEC. 67.24. Non-exempt Public Information.

Notwithstanding the department's legal discretion to withhold certain information under the California Public Records Act, the following policies shall govern specific types of documents and information:

(a) Drafts and Memoranda.

(1) Except as provided in subparagraph (2), no preliminary draft or department memorandum shall be exempt from disclosure under Government Code Section 6254, subdivision (a) if it is normally kept on file. If it is not normally kept on file and would otherwise be disposed of, its factual content is not exempt under subdivision (a). Only the recommendation of the author may, in such circumstances, be withheld as exempt.



(2) Draft versions of an agreement being negotiated by representatives of the City with some other party need not be disclosed immediately upon creation but must be preserved and made available for public review for 10 days prior to the presentation of the agreement for approval by a policy body, unless the body finds that and articulates how the public interest would be harmed by compliance with this 10 day rule, provided that policy body as used in this subdivision does not include committees. In the case of negotiations for a contract, lease or other business agreement in which an agency of the City is offering to provide facilities or services in direct competition with other public or private entities that are not required by law to make their competing proposals public, the policy body may postpone public access to the final draft agreement until it is presented to it for approval. Earlier versions and/or drafts of agreements shall not be subject to disclosure if the public interest in withholding such records clearly outweighs the public interest in disclosure as provided by California Government Code section 6254(a).

(b) Litigation Material.

(1) No pre-litigation claim against the City, or any other record previously received or created by a department in the ordinary course of business, shall be exempt from disclosure under Government Code section 6254, subdivision (b).

(2) Unless otherwise privileged under California law, when litigation is finally adjudicated or otherwise settled, records of

all communications between the department and the adverse party shall be subject to disclosure, including the text and terms of any settlement.

(c) Personnel Information. None of the following shall be exempt from disclosure under Government Code Section 6254, subdivision (c):

(1) The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group;

(ii) Years of graduate and undergraduate study, degree(s) and major or discipline;

(iii) Years of employment in the private and/or public sector;

(iv) Whether currently employed in the same position for another public agency.

(v) Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

(2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted.

(3) The job description of every employment classification.



(4) The exact gross salary and City-paid benefits available to every employee.

(5) Any memorandum of understanding between the City or department and a recognized employee organization.

(d) Law Enforcement Information. No records pertaining to any investigation, arrest or other law enforcement activity shall be exempt from disclosure under Government Code Section 6254, subdivision (f) beyond the point where the prospect of an enforcement action has been terminated by either a court or a prosecutor. When such a point has been reached, related records of law enforcement activity shall be accessible, except that individual items of information in the following categories may be withheld: the names of witnesses (whose distinct identities may be indicated by substituting an alphabetical letter for each individual interviewed); personal and otherwise private information unrelated to the reasons for which the law enforcement action was commenced or terminated; the identity of a confidential source; secret investigative techniques or procedures; or information whose disclosure would endanger law enforcement personnel. The subdivision shall not exempt from disclosure any portion of any record of a concluded inspection or enforcement action by an officer or department responsible for regulatory protection of the public health, safety, or welfare.

(e) Contracts, Bids and Proposals. Contracts, contractors' bids, responses to requests for proposals and all other records of

communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request.

(f) Budgets and Other Financial Information. Budgets, whether tentative, proposed or adopted, for the City or any of its departments, programs, projects or other categories, and all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social or other services whose records are confidential by law, shall not be exempt from disclosure under any circumstances.

ejp SEC. 67.25. Immediacy Of Response.

(a) Notwithstanding the 10-day period for response to a request permitted in Government Code Section 6256, a written request for information described in any category of non-exempt public

ejp information in Section 67.24 of this Article which shall be satisfied no later than the close of business on the day following the day of the request. This deadline shall apply only if the words



"Immediate Disclosure Request" are written across the top of the request and the envelope in which the request is transmitted. These deadlines are appropriate for more extensive or demanding requests, but shall not be used to delay fulfilling a simple, routine or otherwise readily answerable request.

(b) If the voluminous nature of the information requested, its location in a remote storage facility or the need to consult with another interested department warrants an extension of 10 days as provided in Government Code Section 6456.1, the requester shall be notified as required by the close of business on the business day following the request.

(c) The person seeking the information need not state his or her reason for making the request or the use to which the information will be put, and shall not be routinely asked to make such a disclosure. Where a record being requested contains information most of which is exempt from disclosure under the California Public Records Act and this article, however, the City Attorney may inform the requester of the nature and extent of the non-exempt information and inquire as to the requester's purpose for seeking it, in order to suggest alternative sources for the information which may involve less redaction or to otherwise prepare a response to the request.

ejp SEC. 67.26. Minimum Withholding.

No record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure

under express provisions of the California Public Records Act or of some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by section 67.28 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. If that employee's work in redaction and footnoting exceeds one hour, the requester may be required to pay that extra increment of time at the pro rata hourly salary rate of the employee. Staff time used to locate or collect records for review or copying shall not be included as chargeable.

SEC. 67.27. Justification Of Withholding.

Any withholding of information shall be justified, in writing, as follows:

(a) A withholding under a permissive exemption in the California Public Records Act or elsewhere shall cite that authority and explain in factual terms how the public interest would be harmed by disclosure.

(b) A withholding on the basis that disclosure is prohibited by law shall cite the statutory authority in the Public Records Act or elsewhere.

(c) A withholding on the basis that disclosure would incur civil or criminal liability shall cite any statutory or case law, or



any other public agency's litigation experience, supporting that position.

SEC. 67.28. Fees For Duplication.

(a) No fee shall be charged for making public records available for review.

(b) For documents routinely produced in multiple copies for distribution, e.g. meeting agendas and related materials, unless a special fee has been established pursuant to subdivision (d) of this section, a fee not to exceed one cent per page may be charged, plus any postage costs.

(c) For documents assembled and copied to the order of the requester, unless a special fee has been established pursuant to subdivision (d) of this section, a fee not to exceed 10 cents per page may be charged, plus any postage.

(d) A department may establish and charge a higher fee than the one cent presumptive fee in subdivision (b) and the 10 cent presumptive fee in subdivision (c) if it prepares and posts an itemized cost analysis establishing that its cost per page impression exceeds 10 cents or one cent, as the case may be. The cost per page impression shall include the following costs: one sheet of paper; one duplication cycle of the copying machine in terms of toner and other specifically identified operation or maintenance factors, excluding electrical power; and one unit of operator labor calculated as the average hourly pay, excluding benefits, of the employee classification normally assigned to copy

records, divided by 60, divided by the average number of copies per minute produced by the machines used in the department. Any such cost analysis shall identify the employee classification used for the labor component and the manufacturer, model, vendor and maintenance contractor, if any, of the copying machine or machines referred to.

ejp SEC. 67.29. Index To Records.

Each department may cooperate with any voluntary effort by an interested and competent individual or organization to compile a master index to the types of records it maintains, including those it creates and those it receives in the ordinary course of business. The index shall be for the use of City officials, staff and the general public, and shall be organized to permit a general understanding of the types of information maintained, by which officials and departments, for which purposes and for what periods of retention, and under what manner of organization for accessing, e.g. by reference to a name, a date, a proceeding or project, or some other referencing system. The index need not be in such detail as to identify files or records concerning a specific person, transaction or other event, but shall clearly indicate where and how records of that type are kept. Any such master index shall be reviewed by appropriate staff for accuracy and presented for formal adoption to the administrative official or policy body responsible for the indexed records. Any changes in the department's practices or procedures that would affect the accuracy of the index shall



thereafter be reported by the responsible staff to the board, commission, chief administrative officer or elective officer, as the case may be, as the basis for a corresponding revision of the index.

ARTICLE IV

POLICY IMPLEMENTATION

ejp SEC. 67.30. The Sunshine Ordinance Task Force.

(a) There is hereby established a task force to be known as
8/2/93 ep the Sunshine Ordinance Task Force consisting of nine voting members appointed by the Board of Supervisors. Two members shall be appointed from individuals whose names have been submitted by the local chapter of the Society of Professional Journalists, one of whom shall be an attorney and one of whom shall be a local journalist. One member shall be appointed from individuals whose names have been submitted by the Radio-Television-News-Directors Association. One member shall be appointed from individuals whose names have been submitted by the local chapter of the League of Women Voters. One member shall be appointed from individuals whose names have been submitted by the San Francisco Community Fund. Two members shall be members of the public who have demonstrated interest in or have experience in the issues of citizen access and
8/2/93 ep participation in local government. Two members shall be members of the public experienced in consumer advocacy. The Chief
8/2/93 Administrator or his or her designee, and the Clerk of the Board of Supervisors and his or her designee, shall serve as non-voting members of the task force. The City Attorney shall serve as legal

advisor to the task force.

(b) The term of each appointive member shall be two years unless earlier removed by the Board of Supervisors. In the event of such removal or in the event a vacancy otherwise occurs during the term of office of any appointive member, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described herein for the initial members. The task force shall elect a chair from among its appointive members. The term of office as chair shall be one year. Members of the task force shall serve without compensation.

(c) The task force shall advise the Board of Supervisors and provide information to other City departments on appropriate ways in which to implement this chapter. The task force shall develop appropriate goals to ensure practical and timely implementation of this chapter. The task force shall propose to the Board of Supervisors amendments to this chapter. The task force shall report to the Board of Supervisors at least once annually on any practical or policy problems encountered in the administration of this chapter.

ejp SEC. 6~~6~~7.31. Responsibility for Administration.

The Chief Administrative Officer shall administer and coordinate the implementation of the provisions of this chapter for departments under his or her control. The Mayor shall administer and coordinate the implementation of the provisions of this chapter for departments under the control of board and commissions appointed by the Mayor. Elected officers shall administer and coordinate the



implementation of the provisions of this chapter for departments under their respective control. The Chief Administrative Officer shall administer the Task Force On The Implementation Of The San Francisco Sunshine Ordinance.

ejp SEC. 6~~6~~7.32. Severability. The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances.

Section 2. The San Francisco Administrative Code is hereby amended by repealing sections 16.5 and 16.5.1.

Section 3. Within the first year after the effective date of this ordinance, each department's staff shall report to the Board of Supervisors approximately every 120 days on any practical or policy problems encountered in its administration. Recommended amendments shall be presented to the Board of Supervisors for public review prior to adoption. Thereafter amendments shall be proposed as the further experience of the departments or the public warrants.

Section 4. Seven months after the effective date of this ordinance, the Controller shall file with the Board of Supervisors a written report explaining in detail the costs to City departments of implementing this ordinance for the first six months the ordinance is in effect.

Section 5. This ordinance shall become effective 120 days after its passage.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney



Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 2, 1993 | August 9, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisors Hsieh Migden | Absent: Supervisor Hsieh |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
97-93-6

AUG 1 8 1993
Date Approved

_____
Mayor

FILE NO. 45-93-42 ORDINANCE NO. 266-93

RO #92267

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF BRUNO SAMOUN AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $19,995.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "BRUNO SAMOUN V. CITY AND COUNTY OF SAN FRANCISCO, et al.," Superior Court NO. 930-220, by the payment of $19,995.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PARKING AND TRAFFIC

JOHN NEWLIN
Executive Director

FUNDS AVAILABLE:

CONTROLLER

MAY 19 1993

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310177 1450 $19,995.00

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Board of Supervisors, San Francisco

| | |
|---|---|
| Passed for Second Reading | Finally Passed |
| August 9, 1993 | August 16, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Hsieh | Absent: Supervisor Bierman |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

Clerk

File No. 45-93-42

AUG 25 1993
Date Approved

Mayor

FILE NO. 45-93-44

ORDINANCE NO. 267-93

RO #92270

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF SINFOROSA ACUNA AGAINST THE SAN FRANCISCO FIRE DEPARTMENT FOR $20,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "SINFOROSA ACUNA V. SAN FRANCISCO FIRE DEPARTMENT, et al.," Superior Court No . 909-795, by the payment of $20,000.00.

APPROVED AS TO FORM
AND RECOMMENED:

LOUISE H. RENNE
City Attorney

By: PATRICK J. MAHONEY
Chief Trial Deputy

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

MAY 26 1993

01 001 97 09 31
309773 1450 $20,000.00

RECOMMENDED:

SAN FRANCISCO FIRE DEPARTMENT

JOSEPH MEDINA, Chief

APPROVED:

SAN FRANCISCO FIRE COMMISSION

Secretary

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Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 9, 1993 | August 16, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Hsieh | Absent: Supervisor Bierman |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-93-44

AUG 25 1993
Date Approved

Mayor

FILE NO. 45-93-45

ORDINANCE NO. 268-93

RO #92269

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF WILLIAM HULBURT AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $15,675 AND WAIVER OF MEDICAL LIEN OF $8,396.23.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "William Hulburt v. City and County of San Francisco," San Francisco Superior Court No. 932-307; by the payment of $15,675 and waiver of medical lien of $8,396.23.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC HEALTH

RAYMOND J. BAXTER
Director

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

MAY 26 1993

01 001 97 09 85
309823 1450 $15,675.00

APPROVED:

SECRETARY
HEALTH COMMISSION

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| | |
|---|---|
| Passed for Second Reading | Finally Passed |
| August 9, 1993 | August 16, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Hsieh | Absent: Supervisor Bierman |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
45-93-45

AUG 25 1993
Date Approved

Mayor

CC

FILE NO. 45-93-47 ORDINANCE NO. 269-93

RO #92273

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF JANET GRENSLITT AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $25,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "JANET GRENSLITT v. CITY AND COUNTY OF SAN FRANCISCO, et al., San Francisco Superior Court No. 945-747", by the payment of $25,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

RECREATION AND PARK DEPARTMENT

MARY E. BURNS
General Manager

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

JUN 02 1993

01 001 97 09 42
620245 1450 $25,000.00

APPROVED:

RECREATION AND PARK COMISSION

SECRETARY

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Board of Supervisors, San Francisco

| | |
|---|---|
| Passed for Second Reading | Finally Passed |
| August 9, 1993 | August 16, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Hsieh | Absent: Supervisor Bierman |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-93-47

AUG 26 1993
Date Approved

Mayor

FILE NO. 45-93-54

ORDINANCE NO. 270-93

(Settlement of Litigation)

AUTHORIZING SETTLEMENT OF LITIGATION OF GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP FOR NO MONEY PAYMENT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action concerning property tax refunds entitled GTE Mobilnet of California Limited Partnership v. State Board of Equalization of the State of California, et al., Superior Court Case No. 952-096, by agreeing to the State Board of Equalization's assessment methodology for cellular telephone utilities, thereby relieving the City and County of San Francisco of any monetary liability.

APPROVED AS TO FORM
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Patrick J. Mahoney
Chief Trial Deputy

5709w/3

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| Passed for Second Reading | Finally Passed |
|---|---|
| August 9, 1993 | August 16, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Hsieh | Absent: Supervisor Bierman |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
45-93-54

AUG 25 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 45-93-55 ORDINANCE NO. 271-93

(Settlement of Litigation)

AUTHORIZING SETTLEMENT OF LITIGATION OF BAY AREA CELLULAR TELEPHONE COMPANY FOR NO MONEY PAYMENT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action concerning property tax refunds entitled Bay Area Cellular Telephone Company v. State Board of Equalization of the State of California, et al., Superior Court Case No. 952-093, by agreeing to the State Board of Equalization's assessment methodology for cellular telephone utilities, thereby relieving the City and County of San Francisco of any monetary liability.

APPROVED AS TO FORM
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Patrick J. Mahoney
Chief Trial Deputy

5709w/2

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Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 9, 1993 | August 16, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Hsieh | Absent: Supervisor Bierman |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
45-93-55

AUG 25 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 115-93-6 ORDINANCE NO. 372-93

[Retail Coffee Stores]

AMENDING PART II, CHAPTER II OF THE SAN FRANCISCO MUNICIPAL CODE (CITY PLANNING CODE) BY AMENDING SECTION 790.102 TO ADD A NEW SUBSECTION 790.102(n) TO ADD RETAIL COFFEE STORES TO THE CATEGORY OF SALES AND SERVICES, OTHER RETAIL IN NEIGHBORHOOD COMMERCIAL DISTRICTS; ADOPTING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1.

Note: Additions or substitutions are <u>underlined</u>; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors finds that the following conditions exist which create a need to amend Section 790.102 of the San Francisco Municipal Code (City Planning Code):

1. In the Neighborhood Commercial Districts, on-premises consumption of coffee or other nonalcoholic beverages is not permitted unless the use qualifies as a Restaurant, Full-Service (pursuant to Section 790.92), a Restaurant, Large Fast-Food (pursuant to Section 790.90) or a Restaurant, Small Self-Service (pursuant to Section 790.91). Retail Coffee Stores which sell coffee beans and products, fresh coffee and other beverages do not have the characteristics of such restaurants in most cases. For example, Retail Coffee Stores do not constitute a large fast-food restaurant, a full-service restaurant nor, in some instances,



actually fall within the concept involved in the definition of small self-service restaurants. As such, Retail Coffee Stores fall most logically under the Sales and Service, Other Retail, specialty grocery category contained in Planning Code Section 790.102(b). However, while a take-out food use which occupies 100 square feet or less is allowed pursuant to Planning Code Section 703.2(b)(1)(C)(iii) as an accessory use for such specialty grocery uses, no sitting or on-premises consumption is permitted for such uses.

2. The effect of these Planning Code Sections, taken together, is to require Retail Coffee Stores which sell coffee beans and related products, as well as coffee for consumption, to either attempt to qualify as a type of restaurant which, in fact, they may not be, or to prohibit their customers from consuming coffee on the premises at all. The coffeehouse proprietor therefore is required to refuse to let a customer even stand within the establishment and consume the coffee purchased. In addition, no sitting and consuming of beverages is permitted.

3. Permitting limited seating and on-premises consumption of coffee and similar beverages, with the sale of minor, typical small food goods while prohibiting on-site food preparation (other than that connected with the preparation of beverages) will permit these neighborhood-serving uses to operate in a reasonable manner while maintaining the purposes of the Neighborhood Commercial Districts.



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4. For the foregoing reasons, it is necessary to amend Section 790.102 in order to permit on-premises consumption of coffee and similar beverages and ready to eat snacks in Retail Coffee Stores which are narrowly defined to ensure that the other purposes of Neighborhood Commercial Districts are not undermined. However, it is not advisable to permit such uses in the North Beach and Broadway Neighborhood Commercial Districts unless conditional use authorization is granted after consideration of (a) the need to balance the concentration of Retail Coffee Stores and coffee-related establishments and similar uses, (b) the preservation of a balance of other neighborhood serving uses; and (c) the preservation of the unique character of these districts for cultural, tourist, specialty shopping and dining activities and uses.

Section 2. The San Francisco Municipal Code Part II, Chapter II (Planning Code) is amended by adding Subsection 790.102(n) as follows:

SEC. 790.102. SALES AND SERVICES, OTHER RETAIL. A retail use which provides goods and/or services but is not listed as a separate zoning category in zoning category numbers .41 through .63 listed in Article 7 of this Code, including, but not limited to, sale or provision of the following goods and services:

(a) General groceries;

(b) Specialty groceries such as cheese, confections, coffee, meat, produce;



(c) Pharmaceutical drugs and personal toiletries;

(d) Personal items such as tobacco and magazines;

(e) Self-service laundromats and dry cleaning, where no portion of a building occupied by such use shall have any opening other than fixed windows and exits required by law within 50 feet of any R District;

(f) Household goods and service (including paint, fixtures and hardware, but excluding other building materials);

(g) Variety merchandise;

(h) Florists and plant stores;

(i) Apparel and accessories;

(j) Antiques, art gallaries and framing service

(k) Home furnishings, furniture and appliances;

(l) Books, stationary, music and sporting goods; ((and))

(m) Toys, gifts, and photographic goods and services((.)); and

(n) Retail Coffee Stores. As used herein, Retail Coffee Store means:

1. A retail drinking use which provides ready-to-drink coffee and/or other nonalcoholic beverages for consumption on or off the premises, which may or may not provide seating. It's intended design is not to serve prepared ready-to-eat food for consumption on or off the premises. Such use exhibits the following characteristics:

/ / /

A. Contains no more than 15 seats with no more than 400 square feet of floor area devoted to seating;

B. A limited menu of beverages prepared on the premises and able to be quickly prepared for consumption on or off the premises;

C. Beverages served in disposable or nondisposable containers for consumption on or off the premises;

D. Beverages are ordered and served at a customer service counter;

E. Beverages are paid for prior to consumption;

F. Public service area, including queuing areas and service counters, which counters are designed specifically for the sale and distribution of beverages;

G. Beverages are available upon a short waiting time;

H. Equipment to prepare beverages for consumption;

I. Limited amount of nonprepackaged food goods may be served, such as pastries or similar goods;

J. No on-site food preparation, and no equipment to cook or reheat food or prepare meals other than that connected to beverage preparation;

K. Coffee beans, tea, syrups, herbs and other beverage-based products and equipment to make and/or reconstitute beverages or consume coffee, tea and/or other beverages may be sold.

It may include any use permitted for specialty grocery, as defined in Section 790.102(b), but if so, such use shall not include

/ / /



accessory take-out food activity, as described in Section 703.2(b)(1)(C) of this Code, except to the extent permitted by this Subsection 790.102(n). It is distinct and separate from a small self-service or large fast-food restaurant, as defined in Section 790.90 and 790.91 of this Code, or a full-service restaurant as defined in Section 790.92 of this Code.

2. It shall be conducted in accordance with the following conditions:

A. All debris boxes shall be kept in enclosed structures;

B. The operator shall be responsible for cleaning the sidewalk in front of or abutting the building to maintain the sidewalk free of paper or other litter during its business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code;

C. Noise and odors shall be contained within the premises so as not to be a nuisance to nearby residents or neighbors.

((It)) This Section excludes tourist motels, as distinguished from tourist hotels in Section 790.46 of this Code, amusement game arcades as defined in Section 790.4 of this Code and household goods self-storage facilities, which are included in storage as defined in Section 790.117 of this Code. It also excludes the sale of heating fuel and the sale or rental of commercial equipment (excluding office equipment) and construction materials, other than paint, fixtures and hardware.

/ / /

Section 3. The San Francisco Municipal Code Part II, Chapter II (Planning Code) is amended by amending Section 714.40, as set forth in the Broadway Neighborhood Commercial District Zoning Control Table, and Section 722.40, as set forth in the North Beach Neighborhood Commercial District Zoning Control Table, by adding the symbol "#" after the "P" in both places where it appears under the "Controls by Story" column.

Section 4. The San Francisco Municipal Code Part II, Chapter II (Planning Code) is amended by amending Section 714.1, Table entitled "SPECIFIC PROVISIONS FOR THE BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT" by adding the following language to the end of the Table:

| | | | |
|---|---|---|---|
| §714.40 | §790.102(n) | BROADWAY SPECIALTY RETAIL USES | |
| | | Boundaries: | Broadway NCD |
| | | Controls: | Retail Coffee Stores defined pursuant to Code §790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b) |

Section 5. The San Francisco Municipal Code Part II, Chapter II (Planning Code) is amended by amending Section 722.1, Table

/ / /

/ / /

/ / /



entitled "SPECIFIC PROVISIONS FOR THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT" by adding the following language to the end of the Table:

| | | | |
|---|---|---|---|
| §722.40 | 790.102(n) | NORTH BEACH SPECIALTY RETAIL USES | |
| | | Boundaries: | North Beach NCD |
| | | Controls: | Retail Coffee Stores as defined pursuant to Code §790.102(n) are not permitted without conditional use authorization except to that extent qualifying as specialty grocery defined pursuant to §790.102(b). |

Section 6. Pursuant to Section 101 of the City Planning Code, the Board of Supervisors makes the following findings:

1. The proposed legislation is consistent with Priority Policy 1 in that it will authorize on-premises consumption of beverages and limited seating in existing neighborhood-serving retail uses, consistent with common practice, and therefore preserve and enhance the existing neighborhood-serving uses, as well as permit such uses in the Neighborhood Commercial Districts and thereby enhance future opportunities for resident employment and the ownership of such businesses.

2. The proposed legislation is consistent with Priority Policy 2 in that it has no adverse effect on existing housing and will not alter the character of the neighborhoods.

3. The proposed legislation is consistent with Priority Policy 3 in that it has no effect on the City's current or future

supply of affordable housing.

4. The proposed legislation is consistent with Priority Policy 4 in that it has no impact on commuter traffic since it merely permits limited on-premises seating and consumption of beverages and minor food stuffs within retail establishments which themselves are already permitted and will have no notable impact on neighborhood parking.

5. The proposed legislation is consistent with Priority Policy 5 in that it does not involve commercial development and will not displace any industrial or service sector and will enhance the viability of existing neighborhood-serving establishments and thereby enhance future opportunities for resident employment and ownership.

6. The proposed legislation is consistent with Priority Policy 6 in that it will not adversely affect the City's ability to achieve earthquake preparedness to protect against injury and loss of life in an earthquake.

7. The proposed legislation is consistent with Priority Policy 7 in that it will not affect any landmarks or historic buildings.

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8. The proposed legislation is consistent with Priority Policy 8 in that it will not result in any development of parks or open space, nor will it affect access to sunlight or vistas from any park or open space.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Noreen Ambrose
Deputy City Attorney

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 9, 1993 | August 16, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Hsieh | Absent: Supervisor Bierman |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
115-93-6

AUG 25 1993
Date Approved

Frank M. Jordan
Mayor

Amendment of the Whole
July 26, 1993

FILE NO. 127-93-13 ORDINANCE NO. 273-93

[Business/Payroll Tax Rates, Registration and Prepayment]

AMENDING MUNICIPAL CODE PART III BY AMENDING SECTIONS 905-A AND 1005.3 TO LOWER THE QUALIFYING MAXIMUM FOR THE SMALL BUSINESS EXEMPTION TO THE PAYROLL EXPENSE TAX AND THE BUSINESS TAX, ADDING SECTIONS 905-B AND 1005.3-1 TO LIMIT TAX LIABILITY FOR SMALLER BUSINESSES TO ONE-HALF OF THE 1993 TAX YEAR, AMENDING SECTIONS 903.1 AND 907 TO PROVIDE FOR GRADUATED PAYROLL EXPENSE TAX RATES AND TO REQUIRE QUARTERLY PREPAYMENT FOR LARGE BUSINESSES AND AMENDING SECTIONS 1007, 1007.2 and 1009 TO PROVIDE GRADUATED BUSINESS REGISTRATION FEES AND TO REQUIRE QUARTERLY PREPAYMENTS FOR LARGE BUSINESSES.

Note: New language is underlined, deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Sections 903.1, 905-A and 907 of Part III of the Municipal Code are hereby amended and Section 905-B is hereby added to read as follows:

SEC. 903.1. RATES OF TAX AFTER JUNE 30, 1990.

(a) Notwithstanding any other provision of this ordinance, (1) commencing July 1, 1990 and ending December 31, 1992, the amount of such tax for persons other than Associations shall be one and one-half (1-1/2%) percent of the payroll expense of such person, and the amount of such tax for Associations shall be one and one-half



(1-1/2%) percent of the payroll expense of such Association, plus one and one-half (1-1/2%) percent of the total distributions made by such Association by way of salary to those having an ownership interest in such Association; (2) commencing January 1, 1993, the amount of such tax shall be 1% for persons other than Associations and Associations with total payroll expense and/or total distributions by way of salary to those having an ownership interest in such associations ("payroll expense and/or salary distribution") not exceeding $140,000, 1.25% of total payroll expense and/or salary distribution for persons other than Associations and Associations with total payroll expense and/or salary distribution between $140,001 and $166,667 inclusive, and 1.5% of total payroll expense and/or salary distribution for persons other than Associations and Associations with total payroll expense and/or salary distribution in excess of $166,667.

SEC. 905-A. SMALL BUSINESS TAX EXEMPTION. Notwithstanding any other provisions of this Payroll Expense Tax Ordinance, except Sections 907 and 909 herein, "small business enterprises" as hereinafter defined, shall be exempt from taxation under this Ordinance; provided, however, that small business enterprises shall pay the annual registration fee pursuant to Section 1007.2 of this Code. The term "small business enterprise" shall mean and include any taxpayer whose tax liability hereunder, but for this Exemption provision, would not exceed $((2,500)) 1,000.



DOCUMENTS DEPT
SEP 17 1993

SEC. 905-B. SMALLER BUSINESSES: PAYMENT OF 1993 TAXES.

Notwithstanding any other provision of this ordinance, any person commencing business prior to July 1, 1993 whose 1993 calculated tax, based on rates specified in Section 903.1, exceeds $1,000 but does not exceed $2,500, shall be liable on January 1, 1994 for taxes due under this ordinances in an amount equal to only one-half (1/2) of such person's 1993 calculated tax. Any person commencing business on or after July 1, 1993 shall be liable on January 1, 1994 for the full amount of 1993 calculated tax.

SEC. 907. PAYMENTS, RETURNS, PREPAYMENTS AND EXTENSIONS.

(a) Due Date of Taxes. Unless otherwise specifically provided for in other provisions of this ordinance, the taxes imposed herein shall become due and payable on January 1st of each year and shall become delinquent if not paid on or before the last day of February of each year. Concurrently with the payment of the taxes imposed herein, the taxpayer shall make a Payroll Expense Tax Return as provided herein. The Tax Collector shall, within 15 days after the effective date of any amendments to the rates imposed hereunder, or to the definitions of taxpayers herein, prepare instructions available for public distribution advising the public regarding the tax rates and the dates of payment.

(b) Return: Time for Filing. Each person subject to the tax imposed by this ordinance, and any persons who would be subject to tax imposed by this ordinance but for the provisions of Section 905A



(Small Business Exemption) shall, on or before the last day of February of each year and concurrently with the payment of any tax herein imposed, make and file with the Tax Collector, a return for the preceding calendar year setting forth such information as the Tax Collector shall require, including (unless the Tax Collector waives the need to furnish same) the taxpayer's payroll expense for each individual performing work or rendering services, in whole or in part, in the City and County of San Francisco, together with that portion of the taxpayer's payroll expense for each such individual attributable to the City and County of San Francisco, plus the aggregate amount of the taxpayer's payroll expense for all such individuals attributable to the City and County of San Francisco, plus such other pertinent information as the Tax Collector may require.

(c) Prepayments. Notwithstanding the date otherwise provided for herein for the payment of the tax due hereunder, every person who, for any calendar year commencing with 1973, becomes liable for payment of a total business tax in an amount in excess of $1,000, shall be required to make tax payment for the following calendar year in two installments; provided however that, for any calendar year commencing with 1982 and ending with 1993, no person shall be required to make tax payment for the following calendar year in two installments unless said person becomes liable for payment of a total business tax in an amount which exceeds $2,500.

The first installment (hereinafter called "tax prepayment"),

shall be a credit against the total Payroll Expense Tax liability attributable to said following calendar year, and shall be in an amount equal to 1/2 of the estimated Payroll Expense Tax liability for the then-current year; said estimated Payroll Expense Tax liability shall be computed by using half of the taxable payroll expense for the preceding tax year plus a 2% growth factor and the rate of tax applicable to the current tax year. The second installment shall be reported and paid as otherwise provided herein, and shall be in an amount equal to total Payroll Expense Tax liability, less the amount of any tax prepayment actually paid. Commencing with the calendar year 1974, such prepayment shall become due and payable every July 1st and shall become delinquent every August 1st. Any tax prepayment required hereunder which is not paid before the delinquency date shall bear a penalty of 10 percent of the amount of delinquent tax prepayment and shall also bear interest on the amount of the delinquent tax prepayment from the date of delinquency at the rate of one percent per month, or fraction thereof, for each month of said delinquency. Said tax prepayment shall be accompanied by a tax prepayment form prepared by the Tax Collector, but the failure of the Tax Collector to furnish the taxpayer with a tax prepayment form shall not relieve the taxpayer of the tax prepayment obligation set forth herein. If the taxpayer can establish by clear and cogent evidence that said prepayment will amount to more than the total tax liability for the calendar year in which the tax prepayment becomes due, the Tax Collector may, in



writing, adjust the amount of the tax prepayment.

(d) Large Firm Prepayments. Notwithstanding the dates otherwise provided for herein for the payment of the tax due hereunder, commencing January 1, 1994, each person subject to the tax imposed by this Article with a total tax liability of $50,000 or more in the preceding year shall be required to make tax payment for the taxes due on the last day of February of the following year in four quarterly installments. The first, second, and third quarterly installments ("quarterly prepayments"), which shall become due and payable every April 1st, July 1st and October 1st and shall become delinquent every May 1st, August 1st and November 1st respectively, shall be a credit against the payments due on the first day of January of the following year. Quarterly prepayments due hereunder shall be in an amount equal to 1/4 the estimated Payroll Expense Tax liability for the then-current year. Said estimated Payroll Expense Tax liability shall be computed by using one quarter (1/4) of the taxable payroll expense for the preceding tax year plus a 2% growth factor and the rate of tax (for each business category) applicable to the current tax year. The fourth installment shall be in an amount equal to the total business tax liability for the annual period, less the amount of any quarterly prepayments actually paid. Any quarterly prepayment required hereunder which is not paid before the delinquency date shall bear a penalty of 10 percent of the amount of delinquent quarterly prepayment and shall also bear interest from the date of the delinquency on the amount of

delinquent tax payment, at the rate of one percent per month or fraction thereof, for each month of said delinquency. Said quarterly prepayment shall be accompanied by a prepayment form prepared by the Tax Collector, but failure of the Tax Collector to furnish the taxpayer with a prepayment form shall not relieve the taxpayer of the tax prepayment obligation set forth herein. If the taxpayer can establish by clear and cogent evidence that any quarterly prepayment will make the sum of all prepayments made in an annual filing period exceed the total tax liability for the annual filing period in which the tax prepayment becomes due, the Tax Collector may, in writing, adjust the amount of the tax prepayment.

(e) Extension of Time for Filing a Return and Paying Tax. Notwithstanding the dates provided for herein for the payment of tax due hereunder, the Tax Collector hereby is authorized for a good cause, to grant extensions not in excess of 60 days, for the payment of such tax or prepayment and for the making of such return, in which case no penalty shall be added to the amount due and payable if, and only if, said tax is paid within the extension period granted by the Tax Collector; provided however, that all taxes and tax prepayments required to be paid which become delinquent, shall bear interest beginning with the first day of delinquency to the date of return and payment at the rate of one percent per month, or fraction thereof, notwithstanding the granting of an extension by the Tax Collector.

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Section 2. Sections 1005.3, 1007, 1007.2, and 1009 of Part III of the Municipal Code are hereby amended and Section 1005.3-1 is hereby added to read as follows:

SEC. 1005.3. SMALL BUSINESS EXEMPTION. Notwithstanding any other provisions of this Business ("Gross Receipts") Tax Ordinance, except the provisions of Section 1009, "small business enterprises," as hereinafter defined, shall be exempt from taxation under this ordinance; provided, however, that small business enterprises shall pay the annual registration fee pursuant to Section 1007.2.

The term "small business enterprise" shall mean and include any taxpayer whose computed tax ((liability)) hereunder, but for this exemption provision, would not exceed $((2,500)) 1,000.

When the annual revenues received by the City and County from the annual registration fee exceed $8,500,000, $200,000 shall be reserved for the Mayor to consider expending for the benefit of the small business community in the City and County.

SEC. 1005.3-1. SMALLER BUSINESSES: PAYMENT OF 1993 TAXES.

Notwithstanding any other provision of this ordinance, any person commencing business prior to July 1, 1993 whose 1993 calculated tax exceeds $1,000 but does not exceed $2,500 shall be liable for taxes due on the last day of February, 1994 in an amount equal to only one half (1/2) of such person's 1993 computed tax. Any person commencing business on or after July 1, 1993 shall be

liable on the last day of February, 1994 for the full amount of 1993 computed tax.

SEC. 1007. REGISTRATION CERTIFICATE. (a) No person subject to tax under Articles 12-A or 12-B of Part III of the San Francisco Municipal Code shall engage in business within the City and County of San Francisco unless said person shall have obtained a current registration certificate issued by the Tax Collector in accordance with the provisions of this section. Failure to obtain a registration certificate shall not absolve any person from payment of any tax or license imposed by the City and County of San Francisco. For calendar years 1991 ((and thereafter)) through 1993, except as provided in Subsection (b), the annual fee for obtaining a registration certificate shall be $150, payable in advance. Commencing with registration certificates issued for calendar year 1994, except as provided in Subsection (b), the annual fee for obtaining a registration certificate, payable in advance, shall be as follows: businesses with a computed tax for the most recent year filed of between $1 and $10,000 shall pay $150, except as provided in Section 1007.2; businesses with a computed tax for the most recent year filed of between $10,001 and $50,000 shall pay $250, except as provided in Section 1007.2; and businesses with a computed tax for the most recent year filed of $50,001 and above shall pay $500. In the event that an applicant has not filed his or her most recent tax statement as required by this Ordinance, the Tax



Collector will determine the amount of registration fee required.

(b) Upon commencing any ((new)) business within the City and County of San Francisco, each person subject to tax shall apply to the Tax Collector, on a form prescribed by the Tax Collector, for a registration certificate; said application shall be accompanied by said person's registration fee based upon estimated business tax liability or payroll expense tax liability for the ((remainder of the)) calendar year in which said person commences a ((new)) business. A person shall have 15 days after commencing business operations in which to apply for the registration certificate, and to pay the registration fee. Notwithstanding the amount of the annual registration fee set forth in Subdivision (a), for persons who ((first)) commence business operations after January 1st of any ((the)) year after 1990, except for those businesses that pay the minimum registration fee of $25 under Section 1007.2, the registration fee will be prorated as follows: for persons commencing business between January 1st and March 31st, the registration fee shall be 100 percent of the annual fee; for persons commencing business between April 1st and June 30th, the prorated registration fee shall be 75 percent of the annual fee; for persons commencing business between July 1st and September 30th, the prorated registration fee shall be 50 percent of the annual fee; and for persons commencing business between October 1st and December 31st, the prorated registration fee shall be 25 percent of the annual fee.

(c) All persons other than ((new)) business covered by Subsection (b) annually shall, in the month of October, apply to the Tax Collector, on a form prescribed by the Tax Collector, for renewal of its annual registration certificate; said application shall be accompanied by the full amount of the applicant's annual registration fee for the next succeeding calendar year.

(d) Promptly after receiving each properly completed application and registration fee, the Tax Collector shall conduct an investigation to determine whether the applicant has paid all outstanding business taxes, payroll expense taxes and/or other taxes and license fees due to the City and County of San Francisco. If the Tax Collector determines that all such taxes and licenses have been paid, the Tax Collector shall issue a registration certificate to the applicant, together with a duplicate registration certificate for each place of business maintained by the applicant and (1) in the case of persons making timely application under Subsection (c), the registration certificate shall be issued not later than November 30th; and (2) in all other cases of timely application, the registration certificate shall be issued within 10 days after the a Tax Collector receives the application and registration fee. Each registration certificate issued hereunder shall expire on December 31st of the calendar year for which it is issued, and shall be valid only during the period for which it is issued. Such registration certificate shall be nonassignable and nontransferable and shall be surrendered



immediately to the Tax Collector upon the cessation of business at the location named or upon its sale or transfer.

(e) If the Tax Collector determines that any taxes or license fees remain unpaid at the time the application is received, the Tax Collector shall give written notification of that fact to the applicant, and shall further set forth the amount owed, the tax license or fee for which the amount is owed, the dates incurred and any other information the Tax Collector deems necessary fully to apprise the applicant of what taxes, licenses or other fees are owed. A registration certificate shall not be issued unless and until the applicant is liable; provided, however, that if there is a dispute regarding outstanding business, payroll or other unsecured taxes or license fees allegedly owed by the registrant to the City and County that is pending in administrative proceedings before the Tax Collector, then the registrant shall not be denied the issuance of a registration certificate by the Tax Collector due to the dispute while the dispute is pending in such administrative proceedings.

(f) Each annual registration certificate, and each duplicate thereof, shall state the place of business to which it is applicable and shall be prominently displayed therein. Such registration certificate shall set forth the name under which such person transacts or intends to transact business, the location of the registrant's place or places of business and such other information to facilitate the collection of the tax as the Tax Collector may

require. The registration shall be signed by the owner if a natural person; in case of an association or partnership, by a member or partner; in case of a corporation, by a person authorized by the corporation to sign the registration.

SEC. 1007.2. BUSINESS TAX REGISTRATION FEE -- EXCEPTIONS. Notwithstanding any other provision of this Article, the ((($200)) fee payable under Section 1007 shall not apply, and the Tax Collector shall issue a certificate of authority pursuant to the provisions of Section 1007 ((without requiring the $200 fee)) to businesses with annual gross receipts of less than $15,000 in the previous tax year. Such businesses shall instead pay a minimum registration fee of $25, payable in advance.

For the purpose of this exemption, "gross receipts" means the total gross receipts of a business whether or not the gross receipts are taxable or are attributable to business within the City and County of San Francisco, except that for new businesses, gross receipts shall be based upon estimated gross receipts for the current tax year as ((projected)) estimated by the Tax Collector.

The Tax Collector shall refund the ((($200)) fee under Section 1007 paid by any business exempted from payment under this Section, provided that a refund claim has been filed in accordance with the provisions of Section 1017 of this Article.

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SEC. 1009. PAYMENTS, RETURNS, PREPAYMENTS AND EXTENSIONS.

(a) Due Date of Taxes. Unless otherwise specifically provided for in other provisions of this ordinance, the taxes imposed by this ordinance shall become due and payable to the Tax Collector annually on or before the last day of the month of February next succeeding each respective annual period.

(b) Return: Time for Filing; Persons Required to File; and Execution. Unless otherwise specifically provided for in other provisions of this ordinance, each person subject to the tax imposed by this Article and any person who would be subject to tax imposed by this Article but for the provisions of Section 1005.3 (Small Business Exemption) shall, on or before the last day of February of each year and concurrently with the payment of the tax herein imposed, file a return for the ((proceeding)) preceding annual period with the Tax Collector, in such form as the Tax Collector may prescribe.

(c) Contents of Return. Returns shall show the amount of tax due for the related period and such other information as may be reasonably required by the Tax Collector for the purpose of ascertaining the amount of tax due.

(d) Prepayments. Notwithstanding the dates otherwise provided for herein for the payment of the tax due hereunder, every person who, for any calendar year commencing with 1973, becomes liable for payment of a total business tax in an amount in excess of $1,000, shall be required to make tax payment for the following

calendar year in two installments; provided however that, for any calendar year commencing with 1982 and ending with 1993, no person shall be required to make tax payment for the following calendar year in two installments unless said person becomes liable for payment of a total business tax in an amount which exceeds $2,500.

The first installment (hereinafter called "tax prepayment"), shall be a credit against the total business tax liability attributable to said following calendar year, and shall be in an amount equal to 1/2 of the estimated business tax liability for the then-current year. Said estimated business tax liability shall be computed by using half of the gross-receipts (for each business category) for the preceding tax year plus a two percent growth factor and the rate of tax (for each business category) applicable to the current year. The second installment shall be in an amount equal to total business tax liability, less the amount of any tax prepayment actually paid. Commencing with the calendar year 1974, such prepayment shall become due and payable every July 1st and shall become delinquent every August 1st. Any tax prepayment required hereunder which is not paid before the delinquency date shall bear a penalty of 10 percent of the amount of delinquent tax prepayment and shall also bear interest from the date of the delinquency on the amount of delinquent tax payment at the rate of one percent per month or fraction thereof, for each month of said delinquency. Said prepayment shall be accompanied by a tax prepayment form prepared by the Tax Collector, but failure of the



Tax Collector to furnish the taxpayer with a tax prepayment form shall not relieve the taxpayer of the tax prepayment obligation set forth herein. If the taxpayer can establish by clear and cogent evidence that said prepayment will amount to more than the total tax liability for the calendar year in which the tax prepayment becomes due, the Tax Collector may, in writing, adjust the amount of the tax prepayment.

(e) Large Firm Prepayments. Notwithstanding the dates otherwise provided for herein for the payment of the tax due hereunder, commencing January 1, 1994, each person subject to the tax imposed by this Article with a total tax liability of $50,000 or more in the preceding year shall be required to make tax payment for the taxes due on the last day of February of the following year in four quarterly installments. The first, second, and third quarterly installments ("quarterly prepayments"), which shall become due and payable every April 1st July 1st and October 1st and shall become delinquent every May 1st, August 1st and November 1st respectively, shall be a credit against the payments due on the last day of February of the following year. Quarterly prepayments due hereunder shall be in an amount equal to 1/4 the estimated business tax liability for the then-current year. Said estimated business tax liability shall be computed by using one quarter of the gross receipts (for each business category) for the preceding annual filing period plus a 2% growth factor, and the rate of tax (for each business category) applicable to the current annual filing period.

The fourth installment shall be in an amount equal to the total business tax liability for the annual period, less the amount of any quarterly prepayment actually paid. Any quarterly prepayment required hereunder which is not paid before the delinquency date shall bear a penalty of 10 percent of the amount of delinquent quarterly prepayment and shall also bear interest from the date of the delinquency on the amount of delinquent tax payment, at the rate of one percent per month or fraction thereof, for each month of said delinquency. Said quarterly prepayment shall be accompanied by a prepayment form prepared by the Tax Collector, but failure of the Tax Collector to furnish the taxpayer with a prepayment form shall not relieve the taxpayer of the tax prepayment obligation set forth herein. If the taxpayer can establish by clear and cogent evidence that any quarterly prepayment will make the sum of all prepayment made in an annual filing period exceed the total tax liability for the annual filing period in which the tax prepayment becomes due, the Tax Collector may, in writing, adjust the amount of the tax prepayment.

(f) Extension of Time for Filing a Return and Paying Tax. For good cause, the Tax Collector may extend for a period not to exceed 60 days, the time for making any return, payment of tax or prepayment. No further extension shall be granted except by the Board or Review. Any person to whom an extension is granted, whether by the Tax Collector under this Section or by the Board or Review under Section 1019, who makes a return and pays the tax or



prepayment within the period of such extension, shall pay, in addition to the tax, interest on the amount thereof at the rate of one percent per month, or fraction thereof, from the date of delinquency to the date of return and payment notwithstanding the granting of an extension by the Tax Collector.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: BS
Deputy City Attorney

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| July 26, 1993 | August 16, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hsieh Kaufman Migden Shelley | Ayes: Supervisors Alioto Conroy Hsieh Kaufman Leal Migden Shelley |
| Noes: Supervisors Hallinan Kennedy Leal | Noes: Supervisors Hallinan Kennedy Maher |
| Absent: Supervisor Maher | Absent: Supervisor Bierman |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
127-93-13

AUG 25 1993
Date Approved

Mayor

FILE NO. 166-93-3 ORDINANCE NO. 324-93

[Settlement of Lawsuit]

Authorizing Settlement Of Litigation Against Dr. R, A General Partnership Doing Business As The Grosvenor House By Authorizing The Tax Collector Attorney To File The Stipulation For Entry Of Judgment Upon Default And Releasing The Partnership And Its General Partners From All Tax Liability As Set Out In The Within Settlement Agreement.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Tax Collector Attorney and the City Attorney are hereby authorized and directed to settle the controversy in San Francisco Superior Court Action No. 944582 entitled Dr. R, a general partnership v. Thad Brown, Tax Collector and related cross-complainant by filing a Stipulation for Entry of Judgment Upon Default which provides for Entry of Judgment against Dr. R, a general partnership and each of the 3 general partners unless the amount of Hotel Taxes less penalties plus accrued interest determined according to the terms of the written settlement agreement is paid by November 15, 1993.

Section 2. The terms of the Settlement Agreement and Release of claims dated June 30, 1993 between Dr. R partnership, its general partners and Thad Brown, acting in his official capacity as the Tax Collector of the City and County of San Francisco are hereby ratified by the Board on behalf of the City and County of San Francisco; and its attorneys and Tax Collector are

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hereby directed to carry out all of the terms contained in the Settlement Agreement and Release of all claims which has been read to the Board in a closed session.

Recommended By:

Thad Brown, Tax Collector

Approved By:

Mary I. Callanan, Treasurer

Approved As To Form

Louise H. Renne
City Attorney

By: Claude F. Kolm

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Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 9, 1993 | August 16, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Conroy Hallinan Hsieh Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisor Hsieh | Absent: Supervisor Bierman |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
166-93-3

AUG 25 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 35-93-2 ORDINANCE NO. 275-93

(Street Acceptance)

ACCEPTING ROADWAYS, INCLUDING CURBS, OF THREE DEDICATED PUBLIC STREETS IN THE SOUTH BEACH MARINA DEVELOPMENT PROJECT AREA.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1. Pursuant to Department of Public Works Order No. 162,027 and Section 7.601 of the Charter, the roadways and curbs of the following designated streets are hereby accepted by the City and County of San Francisco.

| | | |
|---|---|---|
| Bryant Street | - | Delancey Street (formerly 1st Street) to Beale Street |
| Townsend Street | - | 2nd Street to Colin P. Kelly Jr. Street |
| Colin P. Kelly Jr. Street | - | Brannan Street to Townsend Street |

Including the intersections of Bryant Street and Delancey Street (formerly 1st Street) and Townsend Street and Colin P. Kelly Jr. Street.

RECOMMENDED:

Director of Public Works

DESCRIPTION APPROVED:

By City Engineer

APPROVED:

Chief Administrative Officer

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

By Deputy City Attorney

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 16, 1993 | August 23, 1993 |
| Ayes: Supervisors Alioto Hallinan Hsieh Kaufman Kennedy Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher |
| Absent: Supervisors Bierman Conroy Leal | Absent: Supervisors Conroy Leal Migden Shelley |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 35-93-2

AUG 27 1993

Date Approved

Mayor

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FILE NO. 36-93-1.1 ORDINANCE NO. 276-93

[Zoning Map Change]

ADOPTING CHANGES IN PROPERTY USE CLASSIFICATION AS AN AMENDMENT TO THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO OF PROPERTY LOCATED AT 4139-47 19TH STREET, LOTS 31 AND 32, ASSESSOR'S BLOCK 2696 FROM AN RH-3 DISTRICT TO AN NC-1 DISTRICT AND ADOPTING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to resolution of the Board of Supervisors, adopting the final negative declaration as its own, and pursuant to Section 302(c) of the City Planning Code, Part II, Chapter II, of the San Francisco Municipal Code, the following change in property use classification, duly approved by resolution of the City Planning Commission is hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco.

| Description of Property | Use District to be Superseded | Use District Hereby Approved |
|---|---|---|
| Beginning at a point on the southeast corner of 19th and Collingwood Streets, running thence easterly along said southerly line of 19th Street 53 feet; thence at a right angle southerly 80 feet; thence at a right angle westerly 53 feet; thence at a right angle northerly 80 feet to the point of beginning; being all of lots 31 and 32 in Assessor's Block 2696 and adjacent street areas to their centerline as designation to Section Map No. 2696 of the Zoning Map. | RH-3 (House, Three Family District) | NC-1 (Neighborhood Commercial Cluster) |

Section 2. Pursuant to Planning Code Section 101.1, this Board of Supervisors adopts City Planning Commission Resolution No. 13544 approving findings related to the Eight Priority Policies of Section 101.1 of the Planning Code.

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By _____
Deputy City Attorney

RECOMMENDED:
CITY PLANNING COMMISSION

By _____
Lucian Blazej
Director of Planning

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Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | $ | Finally Passed |
| | $ | |
| August 16, 1993 | $ | August 23, 1993 |
| | $ | |
| | $ | |
| Ayes: Supervisors Alioto Hallinan Hsieh Kaufman Kennedy Maher Migden Shelley | $ | Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher |
| | $ | |
| Absent: Supervisors Bierman Conroy Leal | $ | Absent: Supervisors Conroy Leal Migden Shelley |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
36-93-1.1

AUG 27 1993
Date Approved

Frank M. Jordan
Mayor

File No. 36-93-2 Ordinance No. 277-93

[Zoning Map Change 92.258Z]

ADOPTING CHANGES IN PROPERTY USE CLASSIFICATION AS AN AMENDMENT TO THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO OF PROPERTY LOCATED ON THE WEST SIDE OF CERES STREET, 100 FEET NORTH OF WILLIAMS AVENUE IN ASSESSOR'S BLOCK 5409, LOTS 10 AND 11 FROM AN RH-1 (HOUSE, ONE-FAMILY) DISTRICT TO AN RH-2 (HOUSE, TWO-FAMILY) DISTRICT AND ADOPTING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to a Certificate of Determination of Exemption/Exclusion from Environmental Review issued by the Environmental Review Officer of the Department of City Planning on June 17, 1992, and pursuant to Section 302(c) of the City Planning Code, Part II, Chapter II of the San Francisco Municipal Code, the following change in property use classification, duly approved by resolution of the City Planning Commission, is hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco.

| Description of Property | Use District to be Superseded | Use District Hereby Approved |
|---|---|---|
| Beginning at a point on the west line of Ceres Street, 100 feet north of Williams Avenue, thence at a right angle 100 feet westerly; thence at a right angle 50 feet northerly; thence at a right angle 100 feet easterly; thence at a right angle 50 southerly to the point of beginning. | RH-1 (House, One-Family) | RH-2 (House, Two-Family) |



Being all of Lots 10 and 11 in Assessor's Block 5409, and adjacent street areas to their centerlines, as designated on Sectional Map No. 10 of the Zoning Map.

Section 2. Pursuant to Planning Code Section 101.1, this Board of Supervisors adopts City Planning Commission Resolution No. 13478 approving findings related to the Eight Priority Policies of Section 101.1 of the Planning Code.

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By Judith A. Bayerian
Deputy City Attorney

RECOMMENDED:
CITY PLANNING COMMISSION

By L. R. Blazej
Lucian R. Blazej
Director of Planning



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Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | $ | Finally Passed |
| | $ | |
| August 16, 1993 | $ | August 23, 1993 |
| | $ | |
| | $ | |
| Ayes: Supervisors Alioto Hallinan Hsieh Kaufman Kennedy Maher Migden Shelley | $ | Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Maher Shelley |
| | $ | |
| | $ | Noes: Supervisor Kennedy |
| | $ | |
| Absent: Supervisors Bierman Conroy Leal | $ | Absent: Supervisors Conroy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
36-93-2

AUG 27 1993
Date Approved

Frank M. Jordan
Mayor

As amended in Board 8/30/93

FILE NO. 172-93-30

ORDINANCE NO. 278-93

(San Francisco Zoo Lease and Management Agreement)

APPROVING THE FORM OF A SAN FRANCISCO ZOO LEASE AND MANAGEMENT AGREEMENT, AS AMENDED, AND AUTHORIZING THE GENERAL MANAGER OF THE RECREATION AND PARK DEPARTMENT TO EXECUTE SUCH ZOO LEASE AND MANAGEMENT AGREEMENT ON BEHALF OF THE CITY AND COUNTY OF SAN FRANCISCO; APPROVING AN INDEMNIFICATION BY THE CITY AND COUNTY OF SAN FRANCISCO OF THE SAN FRANCISCO ZOOLOGICAL SOCIETY CONTAINED IN SUCH ZOO LEASE AND MANAGEMENT AGREEMENT; AND DECLARING INTENTION OF THE BOARD OF SUPERVISORS TO FUND SUCH ZOO LEASE AND MANAGEMENT AGREEMENT SEPARATELY FROM THE RECREATION AND PARK DEPARTMENT BUDGET.

8/30/93 ejp

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Board of Supervisors hereby approves the form and substance of a certain San Francisco Zoo Lease and Management Agreement, as amended, a copy of which is on file with the Clerk of the Board of Supervisors, between the City and County of San Francisco, as represented by the San Francisco Recreation and Park Department, and the San Francisco Zoological Society, and authorizes the General Manager of the San Francisco Recreation and Park Department to execute such Zoo Lease and Management Agreement on behalf of the Recreation and Park Department and the City and County of San Francisco.

8/30/93 ejp



Section 2. The San Francisco Board of Supervisors hereby approves the indemnification by the City and County of San Francisco of the San Francisco Zoological Society under the terms set forth in Section 21.2 of the San Francisco Zoo Lease and Management Agreement on file with the Clerk of the Board of Supervisors.

Section 3. The Board of Supervisors hereby declares its intention that the $4,000,000 management fee payable annually to the Zoological Society under the terms of the Zoo Lease and Management Agreement approved by this Ordinance shall be made from a general fund appropriation separate and apart from the budget of the Recreation and Park Department.

RECOMMENDED:

President,
Recreation and Park Commission

General Manager,
Recreation and Park Department

APPROVED AS TO FORM:
LOUISE H. RENNE
City Attorney

By: Deputy City Attorney



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| | | |
|---|---|---|
| Passed for Second Reading | $ | Finally Passed |
| | $ | |
| August 30, 1993 | $ | September 7, 1993 |
| | $ | |
| | $ | |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kaufman Maher Shelley | $ | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Leal Maher Migden Shelley |
| | $ | |
| Noes: Supervisor Kennedy | $ | Noes: Supervisor Kennedy |
| | $ | |
| Absent: Supervisors Leal Migden | $ | Absent: Supervisor Hsieh |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
172-93-30

SEP 8 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 45-93-51

ORDINANCE NO. 279-93

RO#93007

AUTHORIZATION FOR SETTLEMENT OF THE LITIGATION OF MICHAEL AND RONAYNE SHAW v. CITY AND COUNTY OF SAN FRANCISCO, A MUNICIPAL CORPORATION; FRED JORDAN, CHIEF JUVENILE PROBATION OFFICER; NEHEMIAH MEAD, DIRECTOR OF THE JUVENILE HALL; SAN FRANCISCO JUVENILE PROBATION COMMISSION; SAN FRANCISCO UNIFIED SCHOOL DISTRICT, A LOCAL PUBLIC SCHOOL DISTRICT, AND DOES 1 THROUGH 20 INCLUSIVE, INCLUDING PAYMENT OF ATTORNEY'S FEE AND COSTS IN THE AMOUNT OF $344,930.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "MICHAEL AND RONAYNE SHAW v. CITY AND COUNTY OF SAN FRANCISCO, A MUNICIPAL CORPORATION; FRED JORDAN, CHIEF JUVENILE PROBATION OFFICER; NEHEMIAH MEAD, DIRECTOR OF THE JUVENILE HALL, SAN FRANCISCO JUVENILE PROBATION COMMISSION: SAN FRANCISCO UNIFIED SCHOOL DISTRICT, A LOCAL PUBLIC SCHOOL DISTRICT; DOES 1 THROUGH 20, INCLUSIVE", San Francisco Superior

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Court No. 915-763, and further authorizes the payment of attorneys fees and costs to plaintiffs' counsel in the amount of $344,930.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

LORETTA M. GIORGI
Deputy City Attorney

FUNDS AVAILABLE:

CONTROLLER

01 001 97 09 12 JUN 11 1993
309765 1450 $344,930.00

RECOMMENDED:

SAN FRANCISCO JUVENILE PROBATION DEPARTMENT

FRED JORDAN

SAN FRANCISCO UNIFIED SCHOOL DISTRICT

WALDEMAR ROJAS

APPROVED:

SAN FRANCISCO JUVENILE PROBATION COMMISSION

PRESIDENT

SAN FRANCISCO BOARD OF EDUCATION

PRESIDENT



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| | | |
|---|---|---|
| Passed for Second Reading | $ | Finally Passed |
| | $ | |
| August 23, 1993 | $ | August 30, 1993 |
| | $ | |
| | $ | |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher | $ | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley |
| | $ | |
| Absent: Supervisors Conroy Leal Migden Shelley | $ | Absent: Supervisors Hsieh Kennedy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor
Clerk

File No.
45-93-51

SEP 1 0 1993
Date Approved

Frank M. Jordan
Mayor

CC

FILE NO. 45-93-52 ORDINANCE NO. 280-93

RO #93011

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF LENA FLATLEY AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $87,500.00

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Lena Flatley v. City and County of San Francisco," San Francisco Superior Court No. 932-552, by the payment of $87,500.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PARKING & TRAFFIC

JOHN NEWLIN
EXECUTIVE DIRECTOR

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

01 001 97 09 36
310177 1450 $87,500.00
8592n

JUN 23 1993

06/02/93

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 23, 1993 | August 30, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley |
| Absent: Supervisors Conroy Leal Migden Shelley | Absent: Supervisors Hsieh Kennedy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-93-52

SEP 10 1993
Date Approved

Mayor

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FILE NO. 45-93-53

ORDINANCE NO. 281-93

RO #93014

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF BILLIE ZINSER AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $87,500.00

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Billie Zinser v. City and County of San Francisco," San Francisco Superior Court No. 942-479, by the payment of $87,500.00.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:
RECREATION AND PARK COMMISSION

MARY E. BURNS, General Manager

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

01 001 97 09 42
620245 1450 $87,500.00

JUL 28 1993

APPROVED:

RECREATION & PARK COMMISSION

SECRETARY

6840G

BOARD OF SUPERVISORS

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Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 23, 1993 | August 30, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley |
| Absent: Supervisors Conroy Leal Migden Shelley | Absent: Supervisors Hsieh Kennedy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-93-53

SEP 10 1993
Date Approved

Mayor

FILE NO. 45-93-56 ORDINANCE NO. 282-93

RO #93024

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF KAI ALI AND KEVIN SMITH AGAINST CITY AND COUNTY OF SAN FRANCISCO, ET AL.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to offer to settle the action, including all attorneys' fees and costs, entitled "Ali, et al. v. City and County of San Francisco, et al," San Francisco Superior Court No. 941-911 by the payment to Kai Ali of Twenty-four Thousand Five Hundred Dollars ($24,500) and by the payment to Kevin Smith of Twenty-four Thousand Five Hundred Dollars ($24,500).

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

SAN FRANCISCO FIRE DEPARTMENT

JOSEPH MEDINA
Chief of the Department

FUNDS AVAILABLE:
01 001 97 09 31
309773 1450 $49,000.00

EDWARD M. HARRINGTON
Controller

JUL 26 1993

APPROVED:

SAN FRANCISCO FIRE COMMISSION

RAYMOND G. CONNORS, JR.
Secretary

2564r

BOARD OF SUPERVISORS

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Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 23, 1993 | August 30, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley |
| Absent: Supervisors Conroy Leal Migden Shelley | Absent: Supervisors Hsieh Kennedy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-93-56

SEP 1 0 1993
Date Approved

Mayor

FILE NO. 45-93-57

ORDINANCE NO. 283-93

RO #93036

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF CLAIRE MAGAERA AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $11,342.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "CLAIRE MAGAERA v. CITY AND COUNTY OF SAN FRANCISCO, et al.," San Francisco Municipal Court No. 049-528, by the payment of $11,342.

APPROVED AS TO FORM
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

ANTHONY RIBERA
Chief

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

01 001 97 09 38
309781 1450 $11,342.00

APPROVED:

SECRETARY
Police Department Commission

8913n AUG 04 1993 7/29/93

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Board of Supervisors, San Francisco

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| Passed for Second Reading | Finally Passed |
| August 23, 1993 | August 30, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley |
| Absent: Supervisors Conroy Leal Migden Shelley | Absent: Supervisors Hsieh Kennedy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-93-57

SEP 10 1993
Date Approved

Mayor

FILE NO. 46-93-12 ORDINANCE NO. 284-93

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF CITY AND COUNTY OF SAN FRANCISCO v. RICHARD ALAN CAZEN, PATRICK YU, ET AL., UPON RECEIPT OF THE SUM OF $14,319.00 WITH A COMPROMISE AND RELEASE AND DISMISSAL OF COMPLAINT.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized and directed to settle San Francisco Municipal Court No. 050442 entitled "City and County of San Francisco, Plaintiff, v. Richard Alan Cazen, Patrick Yu, et al., Defendants" by acceptance of the sum of $14,319.00 with a Compromise and Release and by dismissing complaint.

Section 2. Upon receipt of said sum of $14,319.00 with a Compromise and Release and appropriate paperwork the City Attorney is authorized to dismiss said action.

APPROVED AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

By Patrick J. Mahoney
PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

RETIREMENT BOARD
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM

By Clare M. Murphy
CLARE M. MURPHY
General Manager

BOARD OF SUPERVISORS

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| Passed for Second Reading | Finally Passed |
|---|---|
| August 23, 1993 | August 30, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley |
| Absent: Supervisors Conroy Leal Migden Shelley | Absent: Supervisors Hsieh Kennedy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 46-93-12

SEP 10 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 46-93-13 ORDINANCE NO. 285-93

(Settlement of Litigation)

AUTHORIZING SETTLEMENT OF LITIGATION OF SOUTHERN PACIFIC TRANSPORATION COMPANY IN THE SUM OF $434,011 TO BE PAID IN FOUR EQUAL INSTALLMENTS OVER TWO YEARS.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled Southern Pacific Transportation Company v. State Board of Equalization of the State of California, et al., Master Consolidated Number C 81 4365 DLJ - No. C 89 3603 DLJ concerning reassessment of railroad property, resulting in payment by Southern Pacific Transportation Company to the City and County of San Francisco of $434,011 in property taxes, due in four (4) equal installments on or before July 31, 1993, October 31, 1993, January 31, 1994 and April 30, 1994.

APPROVED AS TO FORM
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Patrick J. Mahoney
Chief Trial Deputy

Page 1 of 1
5709w

BOARD OF SUPERVISORS

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Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 23, 1993 | August 30, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley |
| Absent: Supervisors Conroy Leal Migden Shelley | Absent: Supervisors Hsieh Kennedy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
46-93-13

SEP 1 0 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 47-93-6 ORDINANCE NO. 286-93

(Civic Center Plaza Garage)

TERMINATING THE LEASE BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE CITY OF SAN FRANCISCO CIVIC PLAZA PARKING CORPORATION AFTER 10 DAYS NOTICE, AND AUTHORIZING THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PARKING AND TRAFFIC TO ENTER INTO AN INTERIM, MONTH-TO-MONTH AGREEMENT WITH SYSTEM PARKING CO. FOR OPERATION OF THE CIVIC CENTER GARAGE PENDING COMPLETION OF COMPETITIVE BIDDING PROCEDURE

Be it ordained by the People of the City and County of San Francisco:

Section 1. As urged by the San Francisco Parking and Traffic Commission in its Resolution No. 120-93-PA, a copy of which has been placed on file with the Clerk of the Board of Supervisors, that certain Land Lease dated December 2, 1958, between the City and County of San Francisco and The City and County of San Francisco Civic Plaza Parking Corporation is hereby terminated pursuant to Section 1.2 thereof after 10 days notice of such termination has been delivered by the Director of the Department of Parking and Traffic to such corporation.

Section 2. The Director of the Department of Parking and Traffic is hereby authorized to enter into an interim, month-to-month agreement with System Parking Co., on substantially the



terms under which such company is currently operating the Civic Center Garage, for the management of the Civic Center Garage pending completion by the Department of competitive bidding for a long-term management agreement.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Larry Wayte
LAWRENCE A. WAYTE
Deputy City Attorney

RECOMMENDED:

John Newlin
John Newlin
Director, Department of Parking and Traffic

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Board of Supervisors, San Francisco

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| Passed for Second Reading | § | Finally Passed |
| | § | |
| August 23, 1993 | § | August 30, 1993 |
| | § | |
| | § | |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher Shelley | § | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley |
| | § | |
| Absent: Supervisors Conroy Leal Migden | § | Absent: Supervisors Hsieh Kennedy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
47-93-6

SEP 1 0 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 97-93-41 ORDINANCE NO. 287-93

[Memberships - Library]

AMENDING CHAPTER XVI OF THE SAN FRANCISCO ADMINISTRATIVE CODE BY ADDING SECTION 16.6-17.2 THERETO, TO AUTHORIZE THE SAN FRANCISCO PUBLIC LIBRARY TO JOIN THE BAY AREA LIBRARY AND INFORMATION NETWORK ("BAYNET").

Note: All language is new.

Be it ordained by the People of the City and County of San Francisco:

Chapter XVI of the San Francisco Administrative Code is hereby amended by adding Section 16.6-17.2 thereto, reading as follows:

SEC. 16.6-17.2 REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS - PUBLIC LIBRARY (CONTINUED).

Bay Area Library and Information Network ("BayNet")

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By _____
Deputy City Attorney

BOARD OF SUPERVISORS

CC

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PUBLIC LIBRARY

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
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| August 23, 1993 | August 30, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley |
| Absent: Supervisors Conroy Leal Migden | Absent: Supervisors Hsieh Kennedy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 97-93-41

SEP 10 1993
Date Approved

_____
Mayor

[Equipment Inventories and Gifts of Equipment]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTIONS 21.29 THROUGH 21.33, AND 10.116-2 THEREOF, RELATING TO MAINTENANCE OF EQUIPMENT INVENTORIES AND ACCEPTANCE OF GIFTS OF EQUIPMENT.

Note: Additions are underlined;
deletions are in ((double parentheses))

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by amending Sections 21.29 through 21.33, and 10.116-2 thereof to read as follows:

Sec. 21.29 MAINTENANCE OF EQUIPMENT INVENTORIES ON PERPETUAL BASIS--REQUIRED

Equipment inventories ((as prescribed in Section 7.100 of the Charter)) shall be maintained currently ((by the Purchaser)) on a "perpetual inventory" basis by the departments which own the equipment.

Sec. 21.30 MAINTENANCE OF EQUIPMENT INVENTORIES ON PERPETUAL BASIS--VALUATIONS

Valuation under the provisions of the preceding section shall be on the basis of cost, whether purchased from outside vendors or manufactured by the City and County. Gifts shall be valued at fair market value at the date of acquisition as established by the ((Purchaser)) department receiving the gifts.

Sec. 21.31. MAINTENANCE OF EQUIPMENT INVENTORIES ON PERPETUAL BASIS--TAGGING AND REPORTING BY DEPARTMENT ((HEAD'S RECEIPT))

((Each department head shall receipt to the Purchaser for all equipment in the custody of his or her department)) When new equipment is received, the department shall affix an inventory tag to the equipment and report the new acquisition to the Controller.

Sec. 21.32. MAINTENANCE OF EQUIPMENT INVENTORIES ON PERPETUAL BASIS--REPORTS OF LOSSES AND DAMAGES; ADJUSTMENT OF INVENTORIES AS TO DAMAGES OR LOSSES

Each department head shall give ((immediately)) written notice immediately to the ((Purchaser)) Board of Supervisors concerning the loss of or damage to such equipment referred to in Section 21.29 of this Code. The ((Purchaser shall investigate each such written notice, and report monthly thereon to the Board of Supervisors the notices he or she receives from department heads and the findings with respect to each. The)) inventories shall not be adjusted as to damages or loss by ((either the Purchaser or the Controller, until they are)) the department until it is ordered so to do by resolution of the Board of Supervisors ((provided, however, that upon recommendation of the Purchaser and the approval of the Chief Administrative Officer and Controller, inventories may be adjusted where both the book value



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as determined by the Purchaser of such adjustment does not exceed $50)).

Sec. 21.33. MAINTENANCE OF EQUIPMENT INVENTORIES ON PERPETUAL BASIS--RULES

The Purchaser may prescribe and issue such rules as he or she may deem expedient and desirable for the carrying out of the provisions of ((Section 7.100 of the Charter and of)) Sections 21.29 to 21.32 of this Code with respect to such inventories.

Sec. 10.116-2. ACCEPTANCE OF GIFTS OF EQUIPMENT TO CITY AND COUNTY NOT TO EXCEED FIVE THOUSAND DOLLARS ((NON CASH GIFTS))

All ((such)) gifts ((other than cash)) of equipment worth, in total, $5,000 or less, ((when received)) shall be promptly tagged and in writing reported by the department head to the ((Purchaser of Supplies who shall inventory the gifts if required and provide the)) Controller ((with a copy of such inventory)).

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: _____
Deputy City Attorney

1515k





Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 23, 1993 | August 30, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley |
| Absent: Supervisors Conroy Leal Migden | Absent: Supervisors Hsieh Kennedy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
97-93-43

SEP 10 1993
Date Approved

Mayor

[Building Ordinance]

AMENDING THE SAN FRANCISCO BUILDING CODE BY AMENDING SECTION 203(c) THEREOF TO PROVIDE THAT THE NOTICE OF HEARING TO BE POSTED SHALL INCLUDE THE LIST OF BUILDING CODE VIOLATIONS, AND THAT IT SHALL MAKE REFERENCE TO THE PENALTIES FOR VIOLATION PRESCRIBED IN SECTION 205 OF THE BUILDING CODE.

Note: Additions or substitutions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Unsafe Buildings, Structures and Property

Sec. 203. (a) General. 1. All buildings, structures, property or parts thereof, which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to life, safety or health of the occupant, or the occupants of adjacent properties, or the public, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or by reason of occupancy or use in violation of law or ordinance, or were erected or moved without a permit, or are hereafter erected, altered, constructed or maintained in violation of law or ordinance, are for the purpose of this chapter unsafe buildings or property.

Whenever the Superintendent determines by inspection that property or properties either improved or unimproved are unstable because of landslide, subsidence or inundation or that such



occurrences are deemed imminent, the Superintendent shall give written notice to the owner or owners that said property or properties are unsafe. The notice shall specify the conditions creating the unsafe classification.

All such unsafe buildings and property are hereby declared to be public nuisances and shall be vacated, repaired, altered or demolished as hereinafter provided.

2. Fire Hazard. No person, including but not limited to the state and its political subdivisions, operating any occupancy subject to these regulations shall permit any fire hazard, as defined in this section, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency.

NOTE: "Fire hazard" as used in these regulations means any condition, arrangement or act which will increase, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay or hinder, or may become the cause of obstruction, delay or hindrance to the prevention, suppression or extinguishment of fire.

(b) Inspections and Complaints. The Superintendent is hereby authorized to inspect or cause the inspection of any building, structure or property for the purpose of determining

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whether or not it is an unsafe building or property in any of the following events:

1. Whenever the Superintendent, with reasonable discretion, determines that such inspection is necessary or desirable.

2. Whenever any person files with the Superintendent a complaint from which there is, in the Superintendent's opinion, probable cause to believe that the building, structure or property or portion thereof, is unsafe.

3. Whenever a City agency or Department transmits to the Superintendent a written report from which there is, in the Superintendent's opinion, probable cause to believe that the building, structure or property, or any portion thereof, is an unsafe building or property.

Upon the completion of any such inspection and the finding by the Superintendent of any condition which renders the building, structure or property unsafe, and a failure or refusal of the owner to apply for a building permit within 30 days of notification of such finding of any such condition, the Superintendent shall, within 10 days thereafter, file with the Director of Public Works a written complaint which shall contain specific allegations, setting forth each condition the Superintendent has found which renders the building, structure or property unsafe. The Director of Public Works shall, within three days of receipt of such complaint, post a copy thereof in a



conspicuous place in or upon such building, structure or property and provide a copy of such complaint and the notice of hearing referred to below to the record owner of said building, structure or property, and to each tenant thereof. Such notice shall also set forth the penalties for violation prescribed in Section 205 of this code. In addition to the civil penalties prescribed in Section 205, the Bureau of Building Inspection's cost of preparation for and appearance at the hearing, and all prior and subsequent attendant costs shall be assessed upon the property owner. Said violations will not be deemed legally abated until the property owner makes full payment of the assessment to the Central Permit Bureau. See Section 332.3 Director's Abatement Orders, for the applicable rate. Failure to pay the penalty in Section 203(b) shall result in tax lien proceedings against the property per Section 203(r).

Upon the filing of such complaint, if the Director determines therefrom that there is probable cause to believe that the building, structure or property, or a portion thereof, is an unsafe building or property, the matter shall be set for hearing within 30 days of the filing of such complaint and notice of such hearing shall be given as hereinafter provided. The applicant may waive the hearing before the Director and request the matter go directly for hearing by the Abatement Appeals Board.

(c) Notice of Hearing. 1. General. Notice of hearing shall be given upon a form prescribed by the Director. It shall

set forth the street address sufficient for identification of the property or premises upon which the building or structure is located. It shall contain or be attached to a copy of the complaint and a list of code violations. It shall state the date, hour and place of the hearing and shall order all interested parties who desire to be heard in the matter to appear before the Director to show cause why the property, building or structure, or portion thereof, should not be ordered repaired, altered, vacated and repaired, or altered, or vacated and demolished.

One copy of the notice and complaint, including the list of code violations, shall be posted in a conspicuous place upon the building or property. The notice shall also include a conspicuous warning provision which sets forth the penalties for violation prescribed in Section 205 of this code.

One copy of the notice and complaint, including the list of code violations, shall be served upon each of the following:

A. The person, if any, in real or apparent charge and control of the premises involved.

B. The owner of record.

C. The holder of any mortgage, deed of trust, lien or encumbrance of record.

D. The owner or holder of any lease of record.

E. The record holder of any other estate or interest in or



to the building, structure or property, or the land upon which it is located.

2. Method of service. The notice of hearing shall be served upon all persons entitled thereto, either personally or by certified or registered mail. Service by certified or registered letter shall be effective on the date of mailing if a certified or registered letter containing a copy of such notice and complaint is mailed, postage prepaid, return receipt requested, to each such person at the address of such person as it appear on the last equalized assessment roll of the county or at the address to which the most recent real property tax bill for said building or property was mailed by the Tax Collector. If no such address so appears from the assessment roll of the county or the records of the Tax Collector, then a copy of the notice and complaint shall be addressed to such person at the address of the building, structure or property involved in the proceedings. The failure of any owner or other person to receive such notice and complaint shall not affect in any manner the validity of any proceedings taken hereunder.

3. Proof of service. The person giving notice as provided herein shall file an affidavit or declaration thereof under penalty of perjury with the Director, certifying to the time and manner in which such notice was given. Such person shall also file therewith any receipt card of such notice by certified or registered mail. The notice of hearing and complaint shall be



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posted and served at least 10 days prior to the time set for the hearing.

(d) Hearing. The public hearing shall be held at the time and place designated in the notice of hearing. For good cause shown a hearing may be continued by the Director except that any such continuance shall not exceed 30 days and there shall be only one such continuance allowed. Subject to the procedures prescribed by the Director for the orderly conduct of the hearing, all persons having an interest in the building, structure or property, or portion thereof complained of, or having knowledge of facts material to the allegations of the complaint, may present evidence material to the matter for consideration by the Director.

The Director may designate a deputy who may act in place of the Director as the hearing officer. The deputy shall have the same authority as the Director to hear and decide the case and to make any order hereinafter provided for.

(e) Decision. The Director, after a full and fair consideration of the evidence and testimony received at the hearing, shall render within 30 days following the conclusion of such hearing, a decision in writing, either dismissing the proceedings, or, if finding that the building, structure or property, or a portion thereof, is an unsafe building or property, ordering that it be repaired, altered, vacated and altered or repaired, or vacated and demolished.



(f) Contents of Order. 1. The order shall set forth the street address of the building or structure, sufficient for identification. It shall contain a statement of the particulars which render the building, structure or property, or portion thereof, an unsafe building or property and a statement of work required to be done.

2. The order shall specify the time within which the premises or portion thereof shall be vacated, if ordered, and the time within which the work required is to be commenced, which time shall not be in excess of 60 days from the date of the order. The order shall further specify a reasonable time, not to exceed six months from commencement, within which the work shall be completed.

3. Upon written application of the owner and for good cause shown, and where no imminent risk to life and property is present, the Director may grant, in writing, one extension of time not to exceed 90 days within which the required work must be commenced.

4. The time for completion may, by the Director, be extended for good cause shown, except that such extension shall not exceed 90 days. Such extension shall be in writing upon the application of the owner and shall be limited to the minimum time necessary for completion. Only one such extension may be allowed.

(g) Posting and Service of Order. A copy of the order to

repair, alter, vacate and alter or repair, or vacate and demolish, any property, building or structure, or portion thereof, shall be posted in a conspicuous place upon the building, structure or property and shall be served in the manner above prescribed in the case of the notice of hearing, upon all persons to whom the notice of hearing is required to be served, and a copy shall be recorded in the office of the Recorder of the City and County.

(h) Compliance, Rescinding Order. When the property or building, structure or part thereof, which was found to be unsafe, has been found to comply with requirements of the Director as to rehabilitation, alteration, repair or demolition, the Director shall issue and record in the office of the Recorder, an order rescinding the original order.

(i) Appeal of Order. Any person may appeal from an order of the Director made pursuant to the provisions of Section 203(f) and shall, at the hearing provided for in Section 203(d) and in said order, be apprised of the right of appeal to the Abatement Appeals Board, provided that the appeal is made in writing and filed with the Secretary of the Abatement Appeals Board within 10 days after such order is posted and served. The 10-day limitation shall not apply when any type of a moratorium authorized in this subsection is sought. Where construction methods, assemblies or materials are the bases, in whole or in part, of the Director's finding that the premises, building or



structure, or part thereof, is unsafe, the Abatement Appeals Board shall refer these matters to the Board of Examiners for its examination and determination with respect to such methods, assemblies or materials in accordance with this code and the rules and requirements of the Board of Examiners.

The Board of Examiners shall approve or disapprove such methods, assemblies and materials, and may attach conditions to its approval, and shall forward a copy of its report to the Abatement Appeals Board. The Abatement Appeals Board shall include in its decision the finding of the Board of Examiners.

(j) Violation-Penalties for Disregarding Order. 1. The owner or other person having charge and control over any building, structure or property, or portion thereof, determined by the Director to be an unsafe building or property, who shall fail to comply with any order to repair, alter, vacate and alter or repair, or vacate and demolish, said building or property, shall be guilty of a misdemeanor as set forth in Section 205.

2. The occupant or lessee in possession who fails to comply with the order to vacate said building or portion thereof in accordance with any order given as provided for hereinabove shall be guilty of a misdemeanor as set forth in Section 205.

3. Any person who removes any notice, complaint or order posted as required hereinabove shall be guilty of a misdemeanor as set forth in Section 205.

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(k) Costs of Abatement by City. Whenever the Director, pursuant to authority conferred by this chapter, shall cause a building, structure or property, or portion thereof, to be barricaded or otherwise secured, to be repaired or altered, or to be demolished and the site thereof cleared, by the Department of Public Works or pursuant to contract, the cost thereof shall be paid from the "Repair and Demolition Fund" and assessed against the property upon which the particular building or structure is located.

(l) Repair and Demolition Fund. A special revolving fund, to be known as the "Repair and Demolition Fund," is hereby created for the purpose of defraying the costs and expenses (including Bureau administrative costs) which may be incurred by the Director of Public Works in carrying out the authority conferred by this chapter to barricade or otherwise secure, and to repair, alter, demolish and clear unsafe building structures and property.

The Board of Supervisors may, by transfer or by appropriation, establish or increase the special revolving fund with such sums as it may deem necessary in order to expedite the performance of the work of securing, repairing, altering or demolition. The special revolving fund shall be replenished with all funds collected under the proceedings hereinafter provided for, either upon voluntary payments or as the result of the sale of the property after delinquency, or otherwise. Balances



remaining in the Repair and Demolition Fund at the close of any fiscal year shall be carried forward in such fund.

(m) Failure to Comply with Order. Whenever an order to repair, alter, vacate and alter or repair, or vacate and demolish any building, structure or property, or portion thereof, has not been complied with within the time set by the Director, or within such additional time as the Director may for good cause extend, or within the time fixed by the Abatement Appeals Board, the Director shall have the power, in addition to any other remedy provided herein or by law or any other ordinance, to:

1. cause the building, structure or property, or portion thereof, to be vacated and barricaded, boarded up or otherwise secured against use or occupancy pending the repair and correction of all conditions ordered to be corrected, or pending demolition;

2. cause the building or structures, or a portion thereof, to be dismantled or demolished and the site cleared by such means as the Director shall deemed advisable; and

3. cause the building, structure or property, or a portion thereof, to be repaired or altered, so as to render the same safe and in compliance with applicable laws and ordinances, by such means as the Director shall deem advisable. Any work done pursuant to the authority herein shall be performed in accordance with the limitations as to repair expenditure as contained in

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Section 203(o) 3 and with the established practices applicable to Public Works.

(n) Forfeiture of Owner's Right to do Work. Whenever, pursuant to Section 203(m), the Director determines to do or cause to be done any of the work described therein, the Director shall notify in the manner set forth in Section 203(c) the owner or other person in charge or control thereof of the Director's intention so to do, and shall specify a date certain upon which the Director shall solicit bids to accomplish the necessary work not sooner than 10 days from the date such notice is given. From and after said date certain the owner and every other person having charge or control over said building, structure or property shall be deemed to have forfeited all right to do such work and is thereafter prohibited from doing any such work on said building, structure or property except as the Director may otherwise allow.

(o) Serious and Imminent Hazards. Notwithstanding any other provisions of this chapter, whenever, in the judgment of the Director, it appears from a verified written complaint filed by the Superintendent with the Director that there exists in, on, or near any premises, building or structure, any condition constituting an imminent and substantial hazard to the life, health or safety of the occupant or other person, or to such building or structure, requiring prompt action to protect the occupants or other persons or the building, structure or property



from such hazard by vacating the premises or a portion thereof, by barricading, boarding up, or otherwise securing the premises, or any portion thereof, against entry, occupancy or use by any person, by eliminating or correcting such condition by repair, alteration, or by demolishing the building or structure, the Director shall have the power to order in writing:

1. that the premises, building or structure, or a portion thereof, be immediately vacated and thereafter be kept vacant until the Director shall give written permission that the same may be reoccupied, without giving the notice and holding the hearing prescribed in Section 203(b) through 203(d), whenever, by reason of serious and imminent danger, prompt vacating of the premises, building, structure or property, or a portion thereof, appears necessary in the judgment of the Director;

2. that the premises, building or structure, or a portion thereof, be immediately barricaded, boarded up, or otherwise secured against entry, occupancy or use by all persons, except as permitted by said order, and to do the same, or cause the same to be done, without giving the notice and holding the hearing prescribed in Section 203(b) through 203(d), whenever, by reason of serious and imminent danger, such action appears necessary in the judgment of the Director; and

3. that the premises, building or structure, or a portion thereof, be immediately demolished or that it or said condition be immediately repaired, altered, corrected or eliminated in the



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particulars set forth in the order and to do the same or cause the same to be done without giving the notice and holding the hearing specified in Section 203(b) through 203(d), whenever, by reason of serious and imminent danger, such action appears necessary in the judgment of the Director.

A copy of said order shall be posted in a conspicuous place upon the premises, building or structure, a copy shall be served in the manner prescribed in Section 203(c) in the case of the notice of hearing, upon all persons upon whom the notice of hearing is required to be served, and a copy shall be recorded in the office of the Recorder of the City and County.

The Director shall have the further power under this section to cause or compel the vacating, to demolish or cause to be demolished, or to repair or alter the said building, structure or property or portion thereof, or to correct or eliminate said condition, or cause the same to be done, by such means as the Director may deem advisable, if the owner and all other persons having an interest in the premises, building or structure, shall have failed, for a period of 48 hours after the posting and service of the order, to comply with the order subject to the limitations set forth in this section.

Any order made hereunder shall set forth the street address of the building or structure and a legal description of the premises sufficient for identification.



Whenever the Director orders that repairs or alterations be made pursuant to Section 203(m) or 203(o), the authority of the Director to repair or alter, or cause repairs or alterations to be made to bring the structure completely into compliance with the City codes, shall be limited to repairs or alterations whose reasonable cost does not exceed 50 percent of the full and true value, as defined by the Assessor, of the building, property, or portion thereof.

(p) Assessment of Costs. The Director shall take action to have the costs of all work done or caused to be done pursuant to the provisions of Section 203(m) or Section 203(o) assessed against the parcel or parcels of land upon which said building, structure or property is situated. Such costs shall include, in addition to the cost of barricading or securing the building, repairing, demolishing, and clearing of the site, the cost to the City of administration and supervision of the work required. See Section 332.3 -- Emergency Orders -- for applicable rate.

(q) Report of Costs, Notice of Hearing on Confirmation. 1. Preparation of delinquency report. If any penalty imposed pursuant to Section 203 is not received within the required time period, the Superintendent of the Bureau of Building Inspection shall initiate proceedings to make the penalty, plus accrued interest, a special assessment lien against the real property regulated under this chapter. The Superintendent shall prepare a delinquency report for the Board of Supervisors. For each

delinquent account, the report shall contain the owner's name, the amount due, including interest, and a description of the real property. The report shall also indicate which of the delinquent accounts should be exempted from the lien procedure because of the small amounts involved, or because another debt collection procedure is more appropriate. The descriptions of the parcels shall be those used for the same parcels on the Assessor's map books for the current year.

2. Notice. Five days prior to forwarding the delinquency report to the Board of Supervisors, the Superintendent shall mail a copy of the report to each affected owner and shall post the report at the affected properties. Upon receipt of the report, the Board of Supervisors shall fix a time, date and place for hearing the report and any protest or objections thereto, and shall mail notice of the hearing to each owner or real property described in the report not less than ten days prior to the date of hearing.

(r) Hearing and Confirmation of Report for Special Assessment of Costs. 1. Hearing and confirmation. The Board of Supervisors shall hold a hearing on the report along with protests or objections of the owners of the real property liable to be assessed for delinquent accounts. The Board may make such revisions, corrections, or modifications of the report as it may deem just, after which, by motion or resolution, the report shall be confirmed. The Board's decision on the report and on all



protests or objections thereto shall be final and conclusive; provided, however, that any delinquent account may be removed from the report by payment in full at any time prior to confirmation of the report. The Clerk of the Board shall cause the confirmed report to be verified in form sufficient to meet recording requirements.

2. Collection of assessment. Upon confirmation of the report by the Board, the delinquent charges contained therein shall constitute a special assessment against the property listed in the report. Each such assessment shall be subordinate to all existing special liens previously imposed upon such property and paramount to all other liens except those for state, county and municipal taxes with which it shall be in parity. The lien shall continue until the assessment and all interest due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to said special assessment.

3. Recordation charges. The Clerk of the Board shall cause the confirmed and verified report to be recorded in the County Recorder's office within 10 days of its confirmation. The special assessment lien on each parcel of property described in said report shall include additional charges for administrative expenses. See Section 332.3 for lien recordation charges.

4. Filing with Controller and Tax Collector: Distribution of proceeds. After the report is recorded, the Clerk of the



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Board shall file a certified copy with the Controller and Tax Collector, whereupon it shall be the duty of said officers to add the amount of said assessment to the next regular bill for taxes levied against said parcel or parcels of land for municipal purposes, and thereafter said amount shall be collected at the same time and in the same manner as ordinary City and County taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for property taxes of the City and County of San Francisco.

5. Release of lien, recording fee. Upon payment to the Tax Collector of the special assessment, the Tax Collector shall cause a release lien to be recorded with the County Recorder, and from the sum collected pursuant to subsection (4) above, shall pay to the County Recorder the required recording fee.

(s) Continuance of Gas and Electricity. In the event that electricity or gas service to a building, structure or property is about to be discontinued by the utility company for nonpayment of bills for said building, structure or property, the Director, through Emergency Order, may order that the City continue said service to prevent the life, health and safety of the occupants of the premises from becoming imperiled. Said order shall be issued pursuant to the provisions of Section 203(o) above and shall remain in force for six months, unless otherwise specified by the Director.



The funds for the continuance of said service shall be provided from the "Repair and Demolition Fund." Said costs shall be assessed against the parcel or parcels of land upon which said building, structure or property is situated. The costs to the City of administration shall be added to the assessment. See Section 332.3-Emergency Order - for applicable rate. A Report of Costs pursuant to Section 203(q) shall be kept for all said services paid by the City. Said Report shall be submitted to the Board of Supervisors pursuant to Section 203(r) for confirmation of the Special Assessment. After confirmation of the Report, a copy thereof shall be recorded in the office of the Recorder and thereafter transmitted to the Tax Collector and the Controller, whereupon it shall be the duty of those officers to add the amount of said assessment to the next regular bill for taxes levied against said parcel or parcels or land, following the procedures provided in Section 203(r).

The provisions of Section 203(s) shall only apply to buildings, structures or property for which the owner, and not the tenant, is responsible for payment of said utility bills.

(t) Abatement Appeals Board. 1. Establishment. There is hereby established an Abatement Appeals Board consisting of five members who are well qualified by training and experience to pass upon matters pertaining to housing, building and construction. None of the members shall be a public employee.

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2. Membership. Members of the Abatement Appeals Board shall be appointed by the Chief Administrative Officer. Each member shall hold office for a term of four years or until a successor is appointed and qualified. The present members of the Board shall be continued in office until the expiration of their terms.

The Superintendent or designee shall act as Secretary to the Abatement Appeals Board.

3. Powers. The Abatement Appeals Board shall have the power to hear and decide appeals from orders of abatement after public hearing by the Director of Public Works made pursuant to Sections 203(f) and 203(i), and to hear direct appeals as set forth in Section 203(b). See Section 332.2 - Abatement Appeals Board Hearing, Filing Fee - for applicable fee.

The Abatement Appeals Board may uphold, modify or reverse such orders, provided that the public health, safety and public welfare are secured most nearly in accordance with the intent and purpose of this code and the Housing Code.

The Abatement Appeals Board may also hear appeals from property owners who believe the Superintendent is not reasonable in notifying the State Franchise Tax Board that their rental residential property is in non-compliance with this code pursuant to Section 17299 and 24436.5 of the Revenue and Taxation Code of the State of California.

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4. Procedure. The Abatement Appeals Board shall establish reasonable rules and regulations for its own procedures consistent with the provision of this code and the City Charter. The Abatement Appeals Board, by majority vote, shall choose its officers which shall consist of the President, Vice President and Secretary.

5. Quorum. Three members of the Abatement Appeals Board shall constitute a quorum. Any action of the Abatement Appeals Board shall require the concurrence of three members. No member of the Abatement Appeals Board shall pass upon any case in which the member, or any corporation of which the member is a shareholder, holds an interest.

6. Hearings. All hearings of the Abatement Appeals Board shall be public hearings. Within 10 days after the filing of the appeal, the Abatement Appeals Board shall fix the time and place of a hearing thereon. Such hearing shall be open and public and the time thereof shall not be more than 30 days after fixing the time and place of the hearing. The notice of the hearing of such appeal shall be posted in a conspicuous place in or upon the premises and served upon the appellant and the Director of Public Works at least 10 days prior to the time set for the hearing. Once an appeal is filed, the order of the Director shall be stayed until a decision is rendered.

For good cause shown, a hearing may be continued once by the Abatement Appeals Board, except that any such continuance



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shall not exceed 60 days and there shall be only one such continuance allowed.

7. Rehearing. The Abatement Appeals Board may rehear an appeal upon which a decision has bee rendered, provided a request for a rehearing has been made in writing within 10 days of the date of the decision.

8. Findings and decisions. The Abatement Appeals Board shall issue its findings and decisions no later than 10 days after the conclusion of the hearing and such findings and decisions shall within five days thereafter be posted in a conspicuous place in or upon the premises and served on the appellant and the Director of Public Works.

In the event the appellant fails to appear at the hearing or if the Abatement Appeals Board fails to issue its findings and decisions within the time set forth above, or denies the appeal, the order of the Director of Public Works shall be immediately effective from the date the order was issued.

Except in cases of lack of quorum, failure of the Abatement Appeals Board to meet any of the time periods specified herein shall result in the Director's order taking effect immediately.

In any appeal where the Abatement Appeals Board finds that there exists in, on, or near any premises, building or structure, any condition constituting an imminent and substantial hazard to the life, health, or safety of any occupant thereof or other person, any decision of the Abatement Appeals Board modifying the



order of the Director must provide that work to repair each such hazard commence within 30 days and be completed within 90 days after service of such decision. With respect to other violations which are not found by the Abatement Appeals Board to constitute such a hazard, any decision of the Abatement Appeals Board modifying the order of the Director must provide that the work or repair of such violations commence within 60 days and be completed within a reasonable time not to exceed 18 months.

In any case of extreme financial hardship, the Abatement Appeals Board may grant a moratorium to correct conditions which are not imminent and substantial hazards. Such a moratorium shall be granted only to an owner occupant of a single-or two-family dwelling where all such hazards, as found by the Superintendent, have been corrected. The decision of the Abatement Appeals Board in any case in which a moratorium has been granted, as set forth above, shall contain the duration of the moratorium, and the conditions for its termination. A copy of the decision granting a moratorium shall be recorded in the office of the Recorder of the City and County of San Francisco.

Notwithstanding the provisions of this code and the San Francisco Housing Code, the Abatement Appeals Board, upon the written appeal of any person, may grant a moratorium from enforcement of a Director's order made pursuant to Section 203(f) for the property which is the subject of the order in order to prevent displacement of low and moderate income persons from

affordable housing, if the Board finds that:

1) The Director's order from which the appeal is taken was issued after April 1, 1986; and

2) The property is a Group R, Division 1 (R-1) building as defined in Section 1201 of the Building Code; and

3) The building was constructed prior to January 1, 1956; and

4) The condition does not constitute a life hazard or a fire hazard as defined in Chapter 4 of the Building Code; and

5) The condition does not violate the San Francisco Fire Code or any code other than the Building and Housing Codes; and

6) The condition does not affect adequate egress from the building; and

7) The condition does not endanger the life, limb, health, property, safety, or welfare of the public or the occupants of the building; and

8) 50% or more of the households living in the building are paying annual rent equal to or less than 30% of the annual of low and moderate income as defined in Section 210(c) 2 of the Building Code; and

9) The abatement of the condition will have a reasonable probability of resulting in the displacement of occupants who are of low and moderate income as defined in Section 210(c) 2 of the Building Code.



The Board shall serve the property owner, and the person requesting the moratorium if other than the property owner, by sending a copy of its findings and decision by certified mail to such persons at their last known address. A copy of the findings and the decision granting a moratorium shall be recorded in the office of the Recorder of the City and County of San Francisco.

The maximum term of the moratorium shall be 10 years from the date the Board's findings and decision are served on the Director of Public Works. At any time during the pendency of moratorium under this section, any person, including the Director, may request that the Abatement Appeals Board extend the moratorium for one or more five-year periods by filing a written request with the Secretary of the Board. The Board shall hold a public hearing on the request and issue separate findings and a decision. Any request for an extension of the moratorium shall be subject to the notice and hearing procedures of this subsection. In order to extend the moratorium, the Abatement Appeals Board must make the nine findings above.

At any time during the pendency of a moratorium under this section, any person, including the Director, may request that the Abatement Appeals Board rescind the moratorium by filing a written request with the Secretary of the Board. The Board shall hold a public hearing on the request and issue separate findings and a decision. Any request for a rescission of the



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moratorium shall be subject to the notice and hearing procedures of this subsection.

The moratorium shall apply only to those code violations expressly listed therein. All other violations which exist and are not so listed in the findings and decision granting the moratorium shall be abated.

Once the Board's order granting a moratorium is issued, the building is no longer considered a nuisance or a substandard building for the duration of the moratorium with respect to those code violations expressly listed in the Board's findings and decision.

9. Failure to comply. Upon the failure of any owner to comply with the order of the Director or the Abatement Appeals Board, the matter shall be referred within five days to law enforcement authorities of the City and County of San Francisco for appropriate legal action.

10. Compensation. The members of the Abatement Appeals Board shall receive compensation of $50 per meeting attended.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: George E. Akwo
GEORGE AKWO
Deputy City Attorney



Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 23, 1993 | August 30, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley |
| Absent: Supervisors Conroy Leal Migden | Absent: Supervisors Hsieh Kennedy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

John L. Taylor
Clerk

File No.
114-93-5.1

SEP 10 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 190-93-8 ORDINANCE NO. 290-93

(Union Square Tour Bus Permit)

APPROVING UNION SQUARE TOUR BUS PERMIT BIDDING DOCUMENTS AND AUTHORIZING DIRECTOR OF PROPERTY TO REQUEST BIDS FOR PERMIT USING THOSE DOCUMENTS.

Be it ordained by the People of the City and County of San Francisco:

**Section 1.** In accordance with the recommendation of the Parking and Traffic Commission pursuant to its Resolution No. 92-104 passed on November 17, 1992, the following bidding documents for the Unions Square Tour Bus Permit issued pursuant to Section 1159 of the San Francisco Police Code, are hereby approved and adopted in substantially the forms that are on file in the office of the Clerk of the Board of Supervisors:

1. Form of Invitation to Bid
2. Form of Bid
3. Form of Pre-Qualification Questionnaire
4. Form of Non-Exclusive License to Use Space

**Section 2.** The Director of Property is hereby authorized to request bids for the Union Square Tour Bus permit in accordance with Section 1159 of the San Francisco Police Code using documents in substantially the forms approved and adopted pursuant to Section 1 of this ordinance.



APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: LAWRENCE A. WAYTE
Deputy City Attorney

RECOMMENDED:

Director, Department of Parking and Traffic

Director of Property



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cc

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 23, 1993 | August 30, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley |
| Absent: Supervisors Conroy Leal Migden | Absent: Supervisors Hsieh Kennedy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
190-93-8

SEP 10 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 27-93-14 ORDINANCE NO. 272

(AIRPORT-CONCESSION AGREEMENT)

APPROVING THE "CONCESSION AGREEMENT FOR OPERATION OF AUTOMOBILE RENTAL SERVICE" BETWEEN ALAMO RENT-A-CAR, INC. AND THE CITY AND COUNTY OF SAN FRANCISCO, ACTING BY AND THROUGH ITS AIRPORTS COMMISSION.

Be it ordained by the People of the City and County of San Francisco:

SECTION 1: Pursuant to Section 3.502 of the Charter, the Board of Supervisors hereby approves the "Concession Agreement for Operation of Automobile Rental Service" between Alamo Rent-A-Car, Inc. and the City and County of San Francisco, acting by and through its Airports Commission. The Award of the Concession Agreement for Operation of Automobile Rental Service to Alamo Rent-A-Car, Inc. was approved by Airports Commission Resolution No. 93-0143, adopted July 20, 1993.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By _____
Deputy City Attorney

Airports Commission

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 23, 1993 | August 30, 1993 |
| Ayes: Supervisors Alioto Bierman Hallinan Hsieh Kaufman Kennedy Maher | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley |
| Absent: Supervisors Conroy Leal Migden Shelley | Absent: Supervisors Hsieh Kennedy Leal Migden |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 27-93-14

SEP 10 1993
Date Approved

_____
Mayor

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7/1/93 - Amend. : of the Whole.
7/21/93 - as amended in committee

FILE NO. 154-93-1.1

ORDINANCE NO. 292-93

**ORIGINAL**

(Street Vacation)

ORDERING VACATION AND SALE OF A PORTION OF YOSEMITE AVENUE SOUTH OF WILLIAMS AVENUE AND A PORTION OF ARMSTRONG AVENUE EAST OF NEWHALL STREET, AND ADOPTING FINDINGS PURSUANT TO CITY PLANNING CODE SECTION 101.1.

BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO:

Section 1. On July 6, , 1993, the Board of Supervisors adopted Resolution No. 515-93 , approved by the Mayor on July 16 , 1993, being a Resolution of A Declaration of Intention to Order the Vacation and Sale of a Portion of Yosemite Avenue South of Williams Avenue as shown on Department of Public Works' Plan No. SUR-692 and the Vacation and Sale of a Portion of Armstrong Avenue east of Newhall Street as shown on Department of Public Works' Plan No. SUR-892, copies of said plans are on file in the Office of the Clerk of the Board of Supervisors.

Section 2. The Clerk of the Board of Supervisors did transmit to the Director of Public Works a certified copy of said Resolution and the Director of Public Works did cause to be posted in the manner required by law, notice of the passage of said Resolution.

Section 3. When said matter was considered as scheduled by the Board of Supervisors at its regular meeting held in the City Hall, San Francisco on August 9 , 1993, beginning at 3:00 P.M., said Board heard all persons interested in said vacation and sale.

kg /21/



Section 4. The public interest and convenience require the vacation and sale to be done as declared in said Resolution No. 515-93 .

Section 5. The Department of City Planning reported on August 27, 1992 that said vacation and sale is in conformity with the Master Plan and consistent with the Eight Priority Policies of City Planning Code Section 101.1.

Section 6. The Board of Supervisors adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Department of City Planning by its letter dated August 27, 1992, that the vacation and sale of said portions of Yosemite Avenue and of Armstrong Avenue for the sum of $64,000 is consistent with the Eight Priority Policies of City Planning Code Section 101.1.

Section 7. From all the evidence submitted at the hearing on such Resolution, the Board of Supervisors finds that the streets described in such Resolution are unnecessary for present or prospective public use but that the public convenience and necessity require that easements be reserved for access and public utility facilities that are in place on Yosemite Avenue, and no easements need to be reserved for public utility facilities, if any, that are in place on Armstrong Avenue and that any rights based upon any such public utility facilities are extinguished.

Section 8. The Board of Supervisors has ordered said vacation and sale for the sum of $64,000, and it has ordered that the sum of $5,000 from the proceeds of this sale be used to reimburse the Real Estate Department for its sale expenses.

Section 9. The said portions of Yosemite Avenue and Armstrong Street are hereby ordered to be vacated and sold for the sum of $64,000.



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Section 10. The Clerk of the Board of Supervisors is hereby directed to transmit to the Recorder and the Director of Public Works a certified copy of this ordinance, and the Recorder and the Director of Public Works are hereby directed to proceed thereafter as required by law.

RECOMMENDED:

Director of Property

Director of Public Works

DESCRIPTIONS APPROVED/CHECKED:

City Engineer

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By _____
Deputy City Attorney

C:\WP51\DATA\SARMS399.LEG

(Real Estate)





Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| August 30, 1993 | September 7, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Maher Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley |
| Absent: Supervisors Hsieh Kennedy Leal Migden | Absent: Supervisor Hsieh |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
164-93-1.1

SEP 16 1993
Date Approved

Mayor

FILE NO. 82-93-6 ORDINANCE NO. 293-93

(Right of Way Agreement)

**AUTHORIZING CONVEYANCE OF A PIPELINE EASEMENT TO UNOCAL CALIFORNIA PIPELINE COMPANY OVER CITY-OWNED PROPERTY IN KERN COUNTY.**

Be it Ordained by the People of the City and County of San Francisco:

**Section 1.** Union Oil Company of California (UNOCAL) has an existing pipeline easement for the transportation of oil over City-owned property in Kern County. UNOCAL has requested that the City grant new easement rights to its subsidiary, UNOCAL California Pipeline Company (UNOCAP) in place of the existing easement to UNOCAL. UNOCAP will operate the pipeline as a common carrier line in accordance with a new Right of Way Agreement, a copy of which is on file with the Clerk of the Board of Supervisors.

**Section 2.** The Recreation and Park Commission, the General Manager of the Recreation and Park Department, the Library Commission, the City Librarian, and the Director of Property recommend this grant of easement in consideration of administrative costs only in the amount of $3,000, since the original right of way agreement gives UNOCAL the right to assign the easement rights. Rather than assign the easement rights, UNOCAL has requested that the City grant the right of way directly to UNOCAP to provide for an insurable property interest in UNOCAP.



(Real Estate)



**Section 3.** The Mayor and Clerk of the Board of Supervisors are hereby authorized to execute the Right of Way Agreement.

**Section 4.** The grant of the easement rights to UNOCAP will not affect the City's Master Plan.

**RECOMMENDED:**

General Manager
Recreation and Park Department

Pursuant to Recreation and Park Commission
Resolution No. 16507

City Librarian

Pursuant to Library Commission
Resolution No. 1606

Director of Property

APPROVED AS TO FORM:
Louise H. Renne, City Attorney

By: Deputy City Attorney

BALR\UNOCAL.LEO



(Real Estate)

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Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | § | Finally Passed |
| | § | |
| August 30, 1993 | § | September 7, 1993 |
| | § | |
| | § | |
| Ayes: Supervisors Alioto Bierman | § | Ayes: Supervisors Alioto Bierman |
| Conroy Hallinan Hsieh Kaufman | § | Conroy Kaufman Kennedy Leal Maher |
| Kennedy Maher Shelley | § | Migden Shelley |
| | § | |
| Absent: Supervisors Leal Migden | § | Absent: Supervisors Hallinan Hsieh |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
82-93-6

SEP 16 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 45-93-58

ORDINANCE NO. 294-93

RO#93040

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF CHERYL NICHOLS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO for $15,000.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "CHERYL NICHOLS v. CITY AND COUNTY OF SAN FRANCISCO, et al.," Superior Court No. 939-827, by the payment of $15,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

JOHN E. CRIBBS
Director, Department of Public Works

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

01 001 97 09 90
309674 1450 $15,000.00

AUG 16 1993

APPROVED:

RUDOLF NOTHENBERG
Chief Administrative Officer

BOARD OF SUPERVISORS

CC

Board of Supervisors, San Francisco

| | |
|---|---|
| Passed for Second Reading | Finally Passed |
| September 7, 1993 | September 13, 1993 |
| Ayes: Supervisors Alioto Bierman Conroy Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kennedy Leal Migden Shelley |
| Absent: Supervisors Hallinan Hsieh | Absent: Supervisors Kaufman Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 45-93-58

SEP 17 1993

Date Approved

Mayor

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FILE NO. 74-93-1 ORDINANCE NO. 295-93

RO #93047

(TAX RATE SETTING)

PROVIDING REVENUE AND LEVYING TAXES FOR CITY AND COUNTY PURPOSES FOR THE FISCAL ENDING JUNE 30, 1994.

Be it ordained by the People of the City and County of San Francisco:

**Section 1.** Under and pursuant to the provisions of the Charter of the City and County of San Francisco and of the laws of the State of California and in conformity therewith a tax is hereby levied for City and County purposes, for the fiscal year ending June 30, 1994 on all property, real and personal, in the City and County of San Francisco, except such property as is by law exempt from taxation, in the sum of one dollar, three and sixty-four hundred thousandths, seven hundred thirty-four millionths cents ($1.03064734) on each one hundred dollars valuation of said taxable property as the same appears upon the secured assessment roll of the said City and County for said fiscal year, which said sum as aforesaid is hereby apportioned in accordance with the provisions of Section 6.400 of the Charter to the funds and accounts and for the purpose designated as follows:

For the General Fund to meet the expense of the City and County of San Francisco not subject to said limitations of Section 6.400 of the Charter, including the cost of elections, the construction, maintaining and improving of streets, sewers and buildings, parks, squares, playgrounds and libraries, obligations imposed by the State Legislative or Constitutional enactment, and obligations imposed by the vote of the People of the City and County of San Francisco,

| | |
|---|---|
| the rate of | $ .84918319 (1) |
| For the San Francisco Children's Fund, the rate of | .02500000 |
| For the Open Space Acquisition Fund, the rate of | .02500000 |
| For the County Superintendent of Schools, the rate of | .00097335 |
| For the Bond Interest and Redemption Fund, the rate of | .12208013 |
| **T O T A L** | **$1.02223667** |
| Bay Area Air Quality Management District, the rate of | .00208539 |
| Bay Area Rapid Transit District, the rate of | .00632528 |
| **Total Tax Rate for City & County of San Francisco** | **$1.03064734** |

(1) Includes State tax shift to the Educational Revenue Augmentation Fund.

PREPARED BY:

Controller

APPROVED AS TO FORM:
LOUISE H. RENNE-CITY ATTORNEY

BY:

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Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | § | Finally Passed |
| | § | |
| September 7, 1993 | § | September 13, 1993 |
| | § | |
| | § | |
| Ayes: Supervisors Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley | § | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kennedy Leal Migden Shelley |
| | § | |
| | § | |
| Absent: Supervisors Alioto Hsieh | § | Absent: Supervisors Kaufman Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
74-93-1

SEP 17 1993
Date Approved

Frank M. Jordan
Mayor

FILE NO. 74-93-2

ORDINANCE NO. 296-93

RO #93048

(TAX RATE SETTING)

PROVIDING REVENUE AND LEVYING TAXES FOR SAN FRANCISCO UNIFIED SCHOOL DISTRICT PURPOSES FOR THE FISCAL YEAR ENDING JUNE 30, 1994.

BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO:

**SECTION 1. Under and pursuant to the laws of the State of California and in conformity therewith a tax is hereby levied for San Francisco Unified School District purposes, for the fiscal year ending June 30, 1994, on all property, real and personal, in the City and County of San Francisco, except such property as is by law exempt from taxation, in the sum of eight and ninety thousandths, eight hundred forty-four millionths ($0.08090844) cents on each one hundred dollars valuation of said taxable property as the same appears upon the secured assessment roll of the said City and County for said fiscal year, which said sum is hereby apportioned as follows:**

| | |
|---|---|
| For general purposes, the rate of | $.07698857 |
| For debt service under the Field Act, the rate of | .00391987 |
| Total | .08090844 |

PREPARED BY:

CONTROLLER

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

LEVY1.SP

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| September 7, 1993 | September 13, 1993 |
| Ayes: Supervisors Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kennedy Leal Migden Shelley |
| Absent: Supervisors Alioto Hsieh | Absent: Supervisors Kaufman Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 74-93-2

SEP 17 1993
Date Approved

Mayor

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CC

FILE NO. 74-93-3 ORDINANCE NO. 297-93

RO: #93049

(TAX RATE SETTING)

PROVIDING REVENUE AND LEVYING TAXES FOR SAN FRANCISCO COMMUNITY COLLEGE DISTRICT PURPOSES FOR THE FISCAL YEAR ENDING JUNE 30, 1994.

BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO:

**SECTION 1. Under and pursuant to the laws of the State of California and in conformity therewith a tax is hereby levied for San Francisco Community College District purposes, for the fiscal year ending June 30, 1994, on all property, real and personal, in the City and County of San Francisco, except such property as is by law exempt from taxation, in the sum of one and four hundred forty-four thousandths, four hundred twenty-two millionths ($0.01444422) cents on each one hundred dollars valuation of said taxable property as the same appears upon the secured assessment roll of the said City and County for said fiscal year.**

PREPARED BY:

CONTROLLER

LEVY3P

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: DEPUTY CITY ATTORNEY

Board of Supervisors, San Francisco

| Passed for Second Reading | Finally Passed |
|---|---|
| September 7, 1993 | September 13, 1993 |
| Ayes: Supervisors Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kennedy Leal Migden Shelley |
| Absent: Supervisors Alioto Hsieh | Absent: Supervisors Kaufman Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
74-93-3

SEP 17 1993
Date Approved

Frank M. Jordan
Mayor

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FILE NO. 101-93-2.2 ORDINANCE NO. 298-93

RO 93050

(GOVERNMENT FUNDING)

AMENDING THE ANNUAL APPROPRIATION ORDINANCE FOR FISCAL YEAR 1993-94, FILE NUMBER 101-93-2, ORDINANCE NUMBER 241-93, GIVING EFFECT TO REVENUE CHANGES PURSUANT TO CHARTER SECTION 6.208 AND ADJUSTING APPROPRIATIONS TO MEET THE REQUIREMENTS OF THE ART COMMISSION PURSUANT TO CHARTER SECTION 6.400, AND ADJUSTING APPROPRIATIONS TO MEET THE REQUIREMENTS OF THE AIRPORT, AS A PRE-REQUISITE TO LEVY A TAX PURSUANT TO CHARTER SECTION 6.208.

BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO:

**Section 1.** The Annual Appropriation Ordinance for Fiscal Year 1993-94, File Number 101-93-2, Ordinance No. 241-93, is hereby amended by the following increases and decreases in revenue and expenditure accounts as indicated (in revenue appropriation and Year End Surplus accounts increases are shown as debits while decreases are shown as credits; in expenditure appropriations, reserves and addition to surplus accounts increases are shown as credits while decreases are shown as debits):

| DEPARTMENT AND NUMBER | SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION | AMOUNT DEBIT | AMOUNT CREDIT |
|---|---|---|---|
| | General Fund | | |
| | Revenue Appropriation | | |
| GL 905 (000026) | Unappropriated Revenue Reserved | | |
| Subsidiary (00006) | General Reserve | $35,505 | |

| DEPARTMENT AND NUMBER | SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION | AMOUNT DEBIT | AMOUNT CREDIT |
|---|---|---|---|
| | Expenditure Appropriation | | |
| 28-00-00 | Art Commission | | |
| 2010 (330217) | Program Project Budget | | |
| Project #00401 | Municipal Symphony Concerts | _____ | $ 35,505 |
| | Total | $35,505 | $ 35,505 |
| 02-001 | Hotel Tax Fund Revenue Appropriation | | |
| GL 903 (002014) | Addition to Surplus | | $ 37,000 |
| GL 906 (002014) | Year End Surplus | $37,000 | _____ |
| | Total | $37,000 | $ 37,000 |
| 02-002 | Animal Control Fund Revenue Appropriation | | |
| G.L. 903 (045526) | Addition To Surplus | | $ 95,000 |
| G.L. 906 (045526) | Year End Surplus | $ 95,000 | _____ |
| | Total | $ 95,000 | $ 95,000 |
| 02-005 | Narcotics Forfeiture Fund Revenue Appropriation | | |
| G.L. 903 (019935) | Addition to Surplus | | $749,000 |
| G.L. 906 (019935) | Year End Surplus | $749,000 | _____ |
| | Total | $749,000 | $749,000 |

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| DEPARTMENT AND NUMBER | SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION | AMOUNT DEBIT | AMOUNT CREDIT |
|---|---|---|---|
| 07-001 | Bond Interest & Redemption Fund Revenue Appropriation | | |
| GL 903 (021063) | Addition to Surplus | | $3,335,000 |
| GL 906 (021063) | Year End Surplus | $3,335,000 | _____ |
| | Total | $3,335,000 | $3,335,000 |
| 21-902 | Annually Budgeted Gift Fund Revenue Appropriation | | |
| GL 903 (022517) | Addition to Surplus | | $2,040,000 |
| GL 906 (022517) | Year End Surplus | $2,040,000 | _____ |
| | Total | $2,040,000 | $2,040,000 |
| 24-061 | Employees Retirement Trust Fund Revenue Appropriation | | |
| GL 903 (030346) | Addition to Surplus | | $20,715,000 |
| GL 906 (030346) | Year End Surplus | $20,715,000 | _____ |
| | Total | $20,715,000 | $20,715,000 |
| 30-001 | Airport Operating Fund | | |
| 27-00-00 | Airport Commission Revenue Appropriation | | |
| 90-9015 (044149) | Authorized Air Carriers | | $ 7,800,000 |
| GL 903 (022012) | Addition to Surplus | | $69,522,000 |
| GL 906 (022012) | Year End Surplus | $77,322,000 | _____ |
| | Total | $77,322,000 | $77,322,000 |

| DEPARTMENT AND NUMBER | SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION | AMOUNT DEBIT | AMOUNT CREDIT |
|---|---|---|---|
| 32-001 | Water Department Operating Fund Revenue Appropriation | | |
| G.L. 903 (024018) | Addition to Surplus | | $8,570,000 |
| G.L. 906 (024018) | Year End Surplus | $8,570,000 | _____ |
| | Total | $8,570,000 | $8,570,000 |
| 33-001 | Hetch Hetchy Operating Fund Revenue Appropriation | | |
| G.L. 903 (025015) | Addition to Surplus | | $1,664,000 |
| G.L. 906 (025015) | Year End Surplus | $1,664,000 | _____ |
| | Total | $1,664,000 | $1,664,000 |
| 34-001 | S. F. Harbor Operating Fund Revenue Appropriation | | |
| G.L. 903 (026013) | Addition to Surplus | | $ 6,727,000 |
| G.L. 906 (026013) | Year End Surplus | $ 6,727,000 | _____ |
| | Total | $ 6,727,000 | $ 6,727,000 |
| 35-001 | Clean Water Operating Fund Revenue Appropriation | | |
| GL 903 (027565) | Addition to Surplus | | $29,744,000 |
| GL 906 (027565) | Year End Surplus | $29,744,000 | _____ |
| | Total | $29,744,000 | $29,744,000 |

Approved As To Form:
Louise H. Renne, City Attorney

By: _____
Deputy City Attorney

Controller

BY: _____
Edward Harrington

TAXRATE2.BP

| DEPARTMENT AND NUMBER | SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION | AMOUNT DEBIT | AMOUNT CREDIT |
|---|---|---|---|
| 02-224 | **Marina Yacht Harbor Fund Revenue Appropriation** | | |
| GL 903 (002212) | Addition to Surplus | | $135,000 |
| GL 906 (002212) | Year End Surplus | $135,000 | _____ |
| | **Total** | **$ 135,000** | **$ 135,000** |
| 02-303 | **War Memorial Special Fund Revenue Appropriation** | | |
| GL 903 (002519) | Addition to Surplus | | $1,447,000 |
| GL 906 (002519) | Year End Surplus | $1,447,000 | _____ |
| | **Total** | **$1,447,000** | **$1,447,000** |
| 02-412 | **Street Artist's Fund Revenue Appropriation** | | |
| G.L. 903 (002410) | Addition to Surplus | | $23,000 |
| G.L. 906 (002410) | Year End Surplus | $23,000 | _____ |
| | **Total** | **$23,000** | **$23,000** |
| 02-413 | **Market Street Art Maintenance Fund Revenue Appropriation** | | |
| GL 903 (013169) | Addition to Surplus | | $82,000 |
| GL 906 (013169) | Year End Surplus | $82,000 | _____ |
| | **Total** | **$82,000** | **$82,000** |
| 02-415 | **Youth Arts Fund Revenue Appropriation** | | |
| GL 903 (013144) | Addition to Surplus | | $54,000 |
| GL 906 (013144) | Year End Surplus | $54,000 | _____ |
| | **Total** | **$54,000** | **$54,000** |

| DEPARTMENT AND NUMBER | SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION | AMOUNT DEBIT | AMOUNT CREDIT |
|---|---|---|---|
| 02-416 | **Neighborhood Beautification Fund Revenue Appropriation** | | |
| GL 903 (014050) | Addition to Surplus | | $108,000 |
| GL 906 (014050) | Year End Surplus | $108,000 | _____ |
| | **Total** | **$108,000** | **108,000** |
| 02-502 | **County Automated Warrant System Fund Revenue Appropriation** | | |
| GL 903 (007955) | Addition to Surplus | | $19,000 |
| GL 906 (007955) | Year End Surplus | $19,000 | _____ |
| | **Total** | **$19,000** | **$19,000** |
| 02-503 | **State Authorized Special Fund Revenue Appropriation** | | |
| GL 903 (022616) | Addition to Surplus | | $789,000 |
| GL 906 (022616) | Year End Surplus | $789,000 | _____ |
| | **Total** | **$789,000** | **$789,000** |
| 02-504 | **Automated Fingerprint Fund Revenue Appropriation** | | |
| GL 903 (019786) | Addition to Surplus | | $302,000 |
| GL 906 (019786) | Year End Surplus | $302,000 | _____ |
| | **Total** | **$302,000** | **$302,000** |

| DEPARTMENT AND NUMBER | SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION | AMOUNT DEBIT | AMOUNT CREDIT |
|---|---|---|---|
| 02-006 | Cable TV Access Development and Program Fund | | |
| | Revenue Appropriation | | |
| GL 903 (007658) | Addition to Surplus | | $36,000 |
| GL 906 (007658) | Year End Surplus | $36,000 | |
| | Total | $36,000 | $ 36,000 |
| 02-010 | Courthouse Fund Revenue Appropriation | | |
| GL 903 (004846) | Addition to Surplus | | $7,401,000 |
| GL 906 (004846) | Year End Surplus | $7,401,000 | |
| | Total | $7,401,000 | $7,401,000 |
| 02-012 | Rent Arbitration Fund Revenue Appropriations | | |
| GL 903 (008854) | Addition to Surplus | | $ 281,000 |
| GL 906 (008854) | Year End Surplus | $281,000 | |
| | Total | $281,000 | $ 281,000 |
| 02-065 | Vital Statistics Fund Revenue Appropriation | | |
| GL 903 (022533) | Addition to Surplus | | $ 28,000 |
| GL 906 (022533) | Year End Surplus | $ 28,000 | |
| | Total | $ 28,000 | $ 28,000 |

| DEPARTMENT AND NUMBER | SOURCE OF FUNDS AND PURPOSE OF APPROPRIATION | AMOUNT DEBIT | AMOUNT CREDIT |
|---|---|---|---|
| 02-070 | Children's Fund Revenue Appropriation | | |
| GL 903 (022566) | Addition to Surplus | | $ 471,000 |
| GL 906 (022566) | Year End Surplus | $ 471,000 | |
| | Total | $ 471,000 | $ 471,000 |
| 02-091 | Special Gas Tax and Street Improvement Fund Revenue Appropriation | | |
| G.L. 903 (002063) | Addition to Surplus | | $806,000 |
| G.L. 906 (002063) | Year End Surplus | $806,000 | |
| | Total | $806,000 | $806,000 |
| 02-093 | Building Inspection Fund Revenue Appropriation | | |
| GL 903 (008037) | Addition to Surplus | | $1,602,000 |
| GL 906 (008037) | Year End Surplus | $1,602,000 | |
| | Total | $1,602,000 | $1,602,000 |
| 02-183 | Representative Payee Program Fund Revenue Appropriation | | |
| GL 903 (007765) | Addition to Surplus | | $ 49,000 |
| GL 906 (007765) | Year End Surplus | $ 49,000 | |
| | Total | $ 49,000 | $ 49,000 |
| 02-221 | Open Space & Park Renovation Fund Revenue Appropriation | | |
| GL 903 (002188) | Addition to Surplus | | $1,204,000 |
| GL 906 (002188) | Year End Surplus | $1,204,000 | |
| | Total | $1,204,000 | $1,204,000 |

CC

Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | $ | Finally Passed |
| | $ | |
| September 7, 1993 | $ | September 13, 1993 |
| | $ | |
| | $ | |
| Ayes: Supervisors Bierman Conroy Hallinan Kaufman Kennedy Leal Maher Migden Shelley | $ | Ayes: Supervisors Alioto Bierman Conroy Hallinan Hsieh Kennedy Leal Migden Shelley |
| | $ | |
| Absent: Supervisors Alioto Hsieh | $ | Absent: Supervisors Kaufman Maher |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-93-2.2

SEP 17 1993
Date Approved

Mayor

FILE NO. 154-93-1.1 ORDINANCE NO. 299-93

mlr

(Contract Amendment - Peace Officers)

AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY AND COUNTY OF SAN FRANCISCO RELATING TO RETIREMENT BENEFITS FOR CERTAIN CITY EMPLOYEES.

Note: The entire ordinance is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. That an amendment to the contract between the Board of Supervisors of the City and County of San Francisco and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

Section 2. The President of the Board of Supervisors is hereby authorized, empowered, and directed to execute said amendment for and on behalf of The City and County of San Francisco.

Section 3. This Ordinance shall take effect thirty (30) days after the date of its enactment, and within five (5) days of the passage thereof the title shall be published at least once in the San Francisco Independent, a newspaper of general circulation, published and circulated in the City and County of San Francisco and thereafter this ordinance shall be in full



force and effect.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Dan Maguire
Deputy City Attorney



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Board of Supervisors, San Francisco

| Passed for Second Reading | § | Finally Passed |
|---|---|---|
| | § | |
| August 9, 1993 | § | September 13, 1993 |
| | § | |
| | § | |
| Ayes: Supervisors Alioto Bierman | § | Ayes: Supervisors Alioto Bierman |
| Conroy Hallinan Kaufman Kennedy | § | Conroy Hallinan Hsieh Kennedy |
| Leal Maher Migden Shelley | § | Leal Maher Migden Shelley |
| | § | |
| Absent: Supervisor Hsieh | § | Absent: Supervisor Kaufman |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
154-93-1.1

SEP 17 1993
Date Approved

Frank M. Jordan
Mayor

As amended in committee
9/15/93

FILE NO. 101-93-6

ORDINANCE NO. 300-93

(Government Funding)

RO#93042 SA# 17

kg 9/15/93

APPROPRIATING $334,233 ~~$462,687~~ FOR PERMANENT SALARIES - MISCELLANEOUS AND RELATED FRINGE BENEFITS AND RESCINDING PERMANENT SALARIES - MISCELLANEOUS AND RELATED FRINGE BENEFITS, PUBLIC HEALTH SERVICES - COMMUNITY PUBLIC HEALTH SERVICES FOR FISCAL YEAR 1993 - 1994.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1993-94 as follows:

| Department and Number | Source of Funds and Purpose of Appropriation | Amount Debit | Amount Credit |
|---|---|---|---|
| 01-001. | GENERAL FUND | | |
| 83-00-00 | COMMUNITY HEALTH SERVICES (VARIOUS) | | |
| 01-0010(734301) | CPHS - HEALTH CARE CENTERS | 256,358 ~~$337,043~~ | |
| 01-0010(735563) | PUBLIC HEALTH SERVICES | 47,315 ~~$62,372~~ | |
| 01-0010(735571) | AIDS - HEALTH CENTER | 47,315 ~~$60,972~~ | |
| 01-0010(734301) | CPHS - HEALTH CARE CENTERS | | 256,358 ~~$337,043~~ |
| 01-0010(735563) | PUBLIC HEALTH SERVICES | | 47,315 ~~$62,372~~ |
| 01-0010(735571) | AIDS - HEALTH CENTER | | 47,315 ~~$60,972~~ |
| | TOTALS | 334,233 ~~$462,687~~ | 334,233 ~~$462,687~~ |

kg 9/15/93

Section 2. Funds are hereby appropriated for the creation of Seven (7) positions and deletion of seven (7) positions by amendment of the Annual Salary Ordinance, Board of Supervisors File # 101-93-4 as follows:

| CLASS | TITLE | RATE | CREATED | DELETED |
|---|---|---|---|---|
| 1372 S | Special Asst. XIII | 2252B2737 | | 7 |
| AA57 S | Health Center Manager | 2252B2737 | 7 | |
| | TOTAL | | 7 | 7 |

SUPERVISOR S KAUFMAN, ALIOTO

BOARD OF SUPERVISORS

kg 9/15/93

~~Section 3. This ordinance is adopted by a two-thirds vote of all members of the Board of Supervisors pursuant to Section 6.306 of the Charter. This item was previously requested by budget estimate and denied by the Board of Supervisors.~~

APPROVED AS TO FORM:
LOUISE H. RENNE, CITY ATTORNEY

BY: [signature]
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE:

[signature]
CONTROLLER
AUG 26 1993

CIVIL SERVICE COMMISSION

BY [signature]
GENERAL MANAGER, PERSONNEL

~~Approved~~

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SUPERVISOR

BOARD OF SUPERVISORS

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Board of Supervisors, San Francisco

| | | |
|---|---|---|
| Passed for Second Reading | $ | Finally Passed |
| | $ | |
| September 20, 1993 | $ | September 27, 1993 |
| | $ | |
| | $ | |
| Ayes: Supervisors Conroy Hsieh Leal Maher Migden Shelley | $ | Ayes: Supervisors Conroy Hallinan Hsieh Kaufman Leal Maher Migden Shelley |
| | $ | |
| Noes: Supervisors Bierman Hallinan Kennedy | $ | Noes: Supervisors Bierman Kennedy |
| | $ | |
| | $ | |
| Absent: Supervisors Alioto Kaufman | $ | Absent: Supervisor Alioto |

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
101-93-6

SEP 28 1993
Date Approved

Frank M. Jordan
Mayor

4497 4

Utica/Omaha, Neb
Houchen
Bindery Ltd
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